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Redpath, Gwyneth M (1995). The Northern Ireland Legislation Courses: An Investigation of the Contribution of Open Learning to the Effectiveness of In-House Training. BPhil thesis The Open University.

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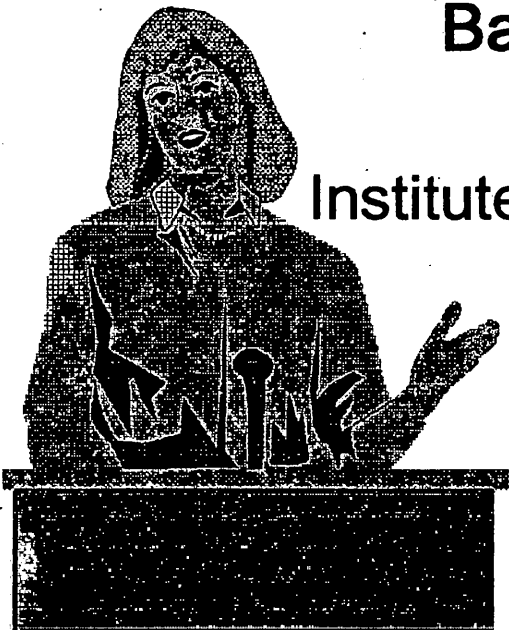
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<http://dx.doi.org/doi:10.21954/ou.ro.0000fb79>

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**The Northern Ireland Legislation Courses:
An Investigation of the Contribution of
Open Learning to the Effectiveness of
In-House Training.**



Offered towards the degree of
Bachelor of Philosophy
within the
Institute of Educational Technology
of the
Open University
Submitted
1 January 1995
by

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Date of submission: 6 January 1995
Date of award: 28 June 1995

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Thesis Abstract

Thesis Title

The Northern Ireland Legislation Courses: An Investigation of the Contribution of Open Learning to the Effectiveness of In-House Training.

Abstract

This thesis investigates "Open Learning" and the literature available, and shows that training courses do not have to have a "media" content to be classified as open learning. It is also shown, through the literature, that there are three supports to open learning: learner choice; learner support; and informed learner input. The thesis investigates the use of "learner support" as a way of making training courses more open, using, as the vehicle, the Northern Ireland Legislation Courses, produced "in-house" by the Northern Ireland Civil Service. Lewis's Open learning continuum is adapted for use to show whether total course provision is more open.

Evaluation and "effectiveness" are investigated also. "Effectiveness" is considered in the area of training, and an original metaphor is used to explain the meanings of "effectiveness" and "efficiency". Evaluation is considered, both in relation to "effectiveness", and also whether it should be done at all and if so, by whom and how.

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Chapter 1

Scope of the Project

Abstract. This chapter considers how the project was started, gives an initial overview of the questions to be asked before attempting to start the project, the outcomes that might be expected, a discussion on whether training is needed, and a discussion on possible areas for the project.

Introduction

"Design a new course to train people in X", is a demand familiar to many trainers. When the project is small, or the demand comes from very high up in the organisation, the course is generally designed, and run, as demanded. The trainer may research a few books, ask a few people, even seek for an outside presenter who runs an off-the-shelf course similar to that demanded. The initial brief from which this project grew was, "design a distance learning package which will cover what the Primary Legislation Course now covers". The reasons for the demand are listed in Chapter 3 and, briefly, are "to provide 'better' and more flexible training in Primary Legislation, without the use of senior managers".

"Distance Learning" was equated with "work book or text of some sort" or perhaps even a computer-based learning package: there was no brief to ensure that any material taken from the revived Primary Legislation Course fitted the current training needs of staff for whom it was intended and no push to extend the training to cover related areas if necessary or to ensure that the learning methods fitted the needs: of the learners; the material; and the major stakeholders, as closely as possible. These are assumed to be implied in the original instruction

or to be part of the skills that a trainer brings to designing a course, perhaps in the same way that an architect or engineer designing something, assumes that support must be included for structures, without having to have this specified by the customer.

The Primary Legislation Course was originally a four-day, residential course, covering both Primary Legislation and the first steps in Subordinate (secondary or delegated) legislation, which had been constructed in response to the legislative process changes introduced by the 1973 and 1974 Acts at the beginning of what has now become known as the "Period of Direct Rule". It was run for a number of years on the same basis and faded out as the population of civil servants needing the course dwindled.

After a break of 4 years, during which, transfers and promotions into and out of legislative branches had changed the teams, pressure from a team of civil servants, faced with producing a large piece of Primary Legislation in a short time, using untrained and inexperienced people, led to a demand for its resurrection, but in a changed form. The course length was cut from four days to two and made non-residential because that was the maximum time the legislation team (those needing to produce the legislation) could spare from the office. The course was not re-designed but condensed from the four-day version because:-

- ♦ it had to be produced in 4 weeks and so no major overhaul was possible, and,
- ♦ the trainer arranging the course had no knowledge of legislation or the previous course.

The aim of the "new" two-day course was defined by the would-be participants as, "By the end of the course, we should all have a grasp of the full procedure for turning new policy into law,

from sitting down with a blank sheet of paper and a pen, to the coming into operation of the new legislation". (Appendix 1 gives the full story of how the course was revived.)

To use the "new" two-day course produced in this way as a basis for producing a distance learning package could not be defended. A course tutored by experienced legislators able to answer questions as they arise, no matter (almost), how badly run, is completely different from a package trying to produce the same result.

The initial overview therefore, taking into account the problems and demands listed in chapter 3, seemed to be that the project should be designed in such a way as to allow a full assessment of:-

- the need for legislation training, and, if it were considered necessary,
- its format and content,
- its value to the organisation compared with the two-day course,
- the effects on the organisation of the use of the training, in whatever format was chosen,
- what the learning methods should be and whether those methods contribute to the effectiveness of the package,
- how "open" the learning is and whether not "openness" contributes to effectiveness,
- what contribution to theory can be gained from the project.

If designed in accordance with the overview, then the following outcomes could be expected:-

- a report describing how a training needs analysis was done for a very specialised subject,

- ♦ an assessment of the cost of evaluating a programme. For many events, the cost of the evaluation itself may be ignored - is this a cost-effective view?
- ♦ a comparison of the costs for a traditional course with those for open learning. Is open learning a cost-effective method of training when quantitative measures are built in from the inception as opposed to being considered, perhaps in a qualitative fashion, after a new programme has been introduced?
- ♦ a contribution to the theory of evaluation, showing how other projects/organisations can benefit from the lessons learned.

All four outcomes would be useful to other training organisations, both within and without the civil service who could use them as models in similar circumstances.

Organisational Value

Before deciding whether to produce a training package (of whatever sort), there needed to be an assessment of whether the training was actually necessary to the organisation. This, as discussed in Chapter 5 on "effectiveness" is asking whether something actually needs to be done, as opposed to how it should be done, and a number of questions need to be asked and answered before attempting to assess what sort of package is needed. They are:-

- ♦ what value does the Northern Ireland Civil Service (NICS) and the Government place on proficiency in producing Primary Legislation?
- ♦ why train Northern Ireland civil servants in the production of Primary Legislation?

- what effect would there be for Government and the NICS if no training were done in Primary legislation?

These three questions, with suitable substitute terms, are of value in deciding whether to train in any situation.

Value to the NICS

What evidence is already available to show that proficiency in producing Primary Legislation is of value to the Northern Ireland Civil Service and the Government, and that training is a valid way of attaining proficiency?

First of all, a major study of the training and development needs of top managers was carried out some years ago in the GB civil service, to find out what top managers needed to know, in order to be able to do their jobs proficiently. The results from this were extended down the grades to produce a Senior Management Development Programme (SMDP). In the GB civil service, this was aimed at grades 4 to 7 and for Northern Ireland was extended downwards slightly to include the Deputy Principal grade. (Grade 5 is considered to be Board Director level, in private-sector terms. In civil service grades, the top grades only are numbered and the lower the number, the higher the grade.) (Grades 5 and 7, [grade 7 was formerly known as Principal] and Deputy Principals are the ones most involved with Primary Legislation.) SMDP was designed:-

- to help senior managers become better at their current jobs; and

- ♦ to help them become better fitted for promotion by defining a series of **competences** (stated by top managers to be necessary for top jobs) which senior managers need to work at, to prepare for the next level of work.

SMDP defined a number of **core competences**, which, it said, all managers need to master, such as "Management of resources/organisations" and nine **important competences** which are important to many, though not all, jobs at a senior level. One of those nine important competences was "legislation". Since then, SMDP has disappeared, to be replaced by a "Grade 7 Competency" scheme (G7C) which has recently been complemented by the White Paper "The Civil Service: Continuity and Change." (Cm 2627 July 1994) which, while not specifically mentioning training in legislation, places a bigger emphasis on training and development for the civil service, for example, ".... To meet that challenge the Civil Service needs: to make better use of its most important resource - the staff ... by developing their skills " ¹ (P 31)

Secondly, in Northern Ireland, the NICS has set up an internal "Legislation Monitoring Committee", (1993) reporting directly at the highest level, to monitor the state of the legislation programme and ensure that targets are met.

Thirdly, in Northern Ireland a new unit (1994) has been set up at the top of the NICS, aimed at promoting a new culture in which staff will be encouraged to take more responsibility for their jobs. This will include training and development.

Fourthly, the Government, a few years back, introduced the "Next Steps" programme. Briefly, this was designed to remove many service jobs from the public sector to the private sector, and where this was not possible, created "agencies", run on commercial lines. The remaining civil service was envisaged eventually as a much smaller "core", producing mainly policy work. ("Policy involves not only official pronouncements contained in Ministerial statements, White Papers and so on, but also how they are translated into action by those professionals and administrators charged with implementation." ² (Pp. 1-2)) Policy is the basis of legislation and policy very often cannot be put into effect without legislation available to give it the force of law. The White Paper cited above reiterated much of this, affirming that the Government intended to keep the policy advisers within the civil service, not privatising or agentising these functions.

"The Government does not, however, envisage extending the formal establishment of agencies into areas of the Civil Service primarily concerned with policy. In these areas, the continued need for close Ministerial involvement in the work is not fully compatible with the clear delegation characteristics of agencies." (op cit P 13).

These four examples show that the Government and the NICS consider the production of legislation to be important; that legislation, together with policy, will become the major work of the new, slimmer, civil service; and that training and development for their work is being emphasised and encouraged for all civil servants.

On an organisational basis then, competence in producing primary legislation is important, and there is value to the organisation in having people who are competent in this area. In the

chapter on evaluation, Talbot's paraphrased summary of Kirkpatrick and Hamblin's (separate) evaluation models is quoted, with Talbot's version of the 4 levels of evaluation: reactions; learning; job behaviour and organisational change, which some writers enlarge to 5 levels, adding in "departmental change" between job behaviour and organisational change.³ With legislation, there is the possibility of change at a higher level than that of the organisation, called the "ultimate value level" by some writers. It would probably be difficult, if not impossible to demonstrate, but there is the possibility that enabling civil servants to be more competent at their legislation jobs, could effect a change at "ultimate value" level.

Is training needed?

Does this necessarily mean that training is needed? There can be a learning need without creating a training need. To explain this: if a learning need exists and no training is given, the person may learn by a process of trial and error, that is, they try to perform the necessary skill (trial) and they either succeed or fail (error). Through finding out how the skill should **not** be performed, they eventually learn to perform it skilfully. (Alternatively, adults may use independent learning, drawing on a range of learning strategies, not all of which are always appropriate, such as imitation - the 'sit-by-Nellie' strategy.) Children use trial and error a lot, such as, when learning to crawl or walk. In circumstances such as these, where the penalty for "error" is negligible, then trial and error is the cheapest way of satisfying that learning need. On the other hand, if the 'error' carries some kind of deterrent penalty for the individual, the organisation or the country, then training may be less expensive than the trial and error method of learning. The statement sometimes posed here by those who cannot prove that their training is cost-effective is, "If you think training is expensive, you should count the cost of ignorance."

For instance, up until a few years ago (1977), there was no driving test in Belgium. Anyone over a certain age could apply for, and receive, a driving licence. However, if they were involved in an accident at all, they were immediately disqualified from driving. Belgium has since introduced a driving test. It was important to that country that drivers should drive proficiently in order to avoid accidents, expense, court cases, etc.

The question that can be posed here is, "Did this **necessarily** mean introducing a driving test to ensure that all drivers reached a minimum standard before being allowed to drive alone?" An alternative might have been, to introduce a compulsory period of training, however, introducing good training does not guarantee good drivers (some take a longer or shorter time than others to learn skills), so Belgium, like many other countries, introduced a test of competence, leaving it to the individual to decide how best to prepare themselves for that test.

So, there may be learning needs which do not create training needs - where trial and error can be used: and even where there is a training need, it is possible to introduce a test of competence, leaving it to the individual to prepare themselves for the test. As far as Primary Legislation is concerned, the questions to be asked here are:-

- ♦ could trial and error could be used for civil servants learning about Primary Legislation;
- ♦ what is the cost to the organisation of **not** training people;
- ♦ is it more, or less, than the cost of training;
- ♦ are there any other factors, besides cost, to be considered?

Value to the Government

During 1990, the Poll Tax (community charge), a replacement for the rates system, was introduced in England and Wales, a year after its introduction in Scotland. Together with "charge capping", this meant a large legislative programme for the (GB) Department of the Environment, led by its then Secretary of State, Chris Patten. (Although the Poll Tax does not, and never has applied in Northern Ireland, {we still pay rates} I have chosen this example as one which should be familiar to most people and which illustrates clearly, the cost to the organisation (and the country) of mistakes in Primary Legislation.) Nineteen English Local Authorities challenged the Secretary of State's right to apply charge capping and lost their case. The courts said the law was clear on this point - the law allowed the Secretary of State to charge cap Local Authorities. (This legislation went through Parliament as a Bill and became law as an Act of Parliament. No court, or any other body, can question the validity of an Act of Parliament.) One Local Authority, Harringay, made a further challenge to the Secretary of State by re-assessing the Poll Tax (as required by Law) but producing a figure **higher** than the previous one. Challenged in court, this time the Local Authority won. The court ruled that the Local Authority was acting within the law. The legislation, as written, did not allow the Secretary of State to insist on a *reduction* in the charge (he could only insist on a *re-assessment*). As the Secretary of State wanted this facility, he had to get his Department to produce amending legislation to close this loophole. (Poll Tax has since been replaced.)

Without going into the politics of this case, it is clear from even a cursory examination that this has been a costly business. The visible costs will have included lawyers' fees, court time and

Minister's time. Less visible but just as expensive are the costs involved in producing amending legislation, such as civil servants' time, Parliamentary Draftsmen's time, Parliamentary time, MPs' time plus the intangible costs, such as credibility/loss of face by a minister and the Government.

In this case, I do not know what training the people involved received. Despite the best training, mistakes can still be made, especially in such a complicated area as law. (It is possible, though not absolutely certain, that the mistake was a pure assumption, on the part of the policy-makers, the civil servants, that re-assessment implied in a "downward direction".) It is not an area that can be left to trial and error learning. Nor, in this case, could the solution be to impose a test of competence in order to ensure a certain standard in the production of Primary Legislation, because in this case (as opposed to the driving test example), the Government is the employing organisation; if they need employees to reach a standard, they must supply the training.

The need for some kind of training, has, I believe, now been demonstrated at the organisational level. Any training produced would of course have to be evaluated to demonstrate whether or not it met that need.

Near the start of this chapter, three questions were posed:-

- ♦ what value does the Northern Ireland Civil Service (NICS) and the Government place on proficiency in producing Primary Legislation?
- ♦ why train Northern Ireland civil servants in the production of Primary Legislation?

- ♦ what effect would there be for Government and the NICS if no training were done in Primary legislation?

These have now been covered, in that the commitment of the organisation and its need for trained legislators have been demonstrated, and, using the analogy of the driving test, it has been shown that the effects of "incompetence" are not acceptable.

Measurement

Outputs of effective pre-legislation

Being able to produce effective pre-legislation and get the final result made law is the desired outcome of the current two-day course. But what is pre-legislation, how does it finally get turned into law and what are the outputs from producing effective pre-legislation?

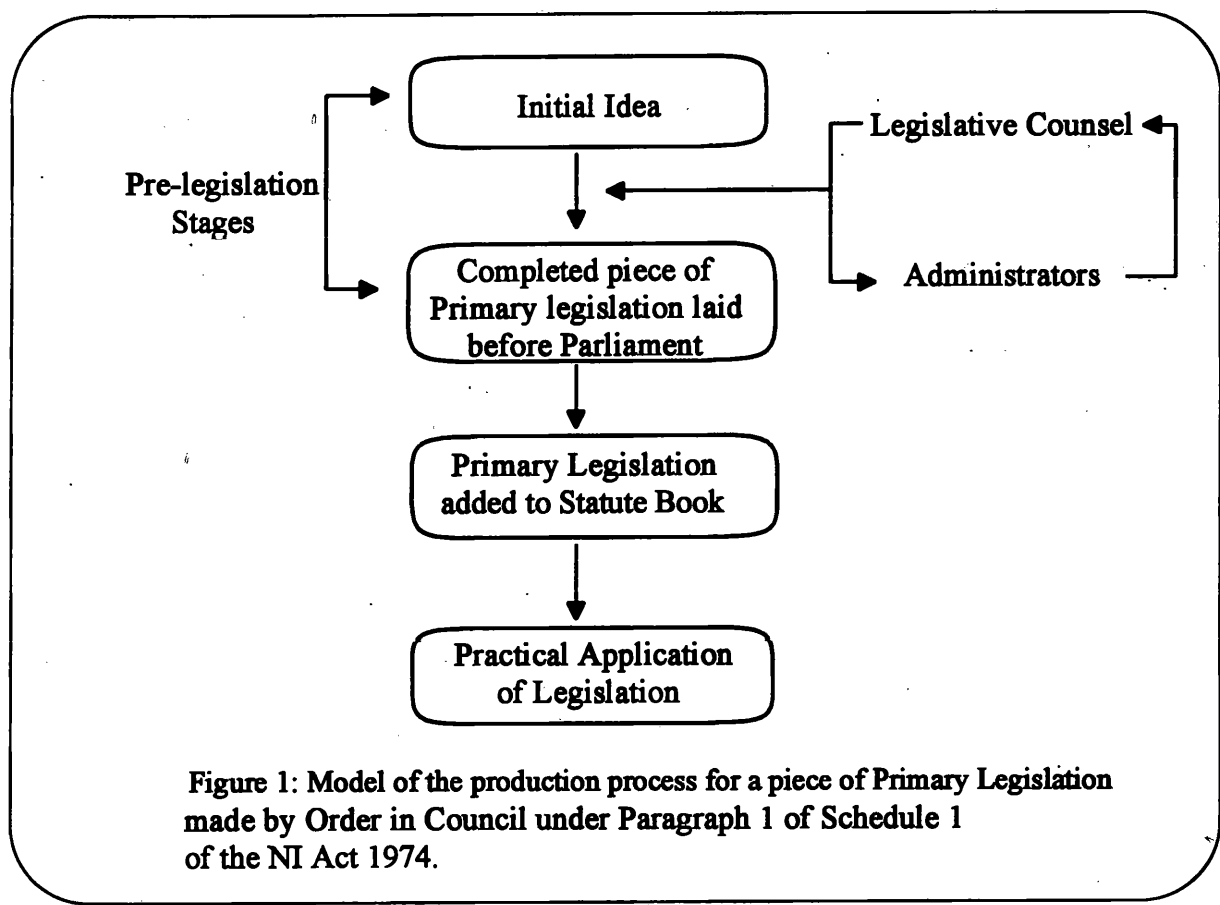
Law has been cynically termed the "crystallised prejudices of the people", or as Joseph Tussman puts it, "the law to which we are subject can, be treated as agreements to which we are all, directly or indirectly, parties" ⁴ (P.8). This social compact view would, presumably, not appeal to those who are prevented by law from doing something they want, for example, refusal of planning permission, immigration laws. But however one views a law; whether as a social compact or as an imposition, it is a legislative act to which all are subject. The European Court stresses the general and abstract character of laws or legislative acts: ".... a regulation, being essentially of a legislative nature, is applicable not to a limited number of persons, defined or identifiable, but to categories of persons viewed abstractly and in their entirety".

A law does not spring, fully formed, like warriors from dragons' teeth but, in Northern Ireland, is the outcome of a great deal of effort both by Legislative Counsel and by administrators. And unless the law is an emergency creation, it will have been scrutinised, amended or commented on by those; administrators or public; business people or sports people; teachers or parents; or anyone who may be affected by it. This is one of the differences in Northern Ireland Legislation.

In Northern Ireland, most, though not all, of the legislation goes through Parliament by Order in Council. This is a special form of legislation which cannot, unlike Bills (which become Acts of Parliament when passed) be amended by Parliament. An Order in Council can only be passed or rejected by Parliament. Any amending to an Order in Council must be done before it is presented to Parliament. Therefore, consultation with all interested bodies takes place before the Draft Order is laid before Parliament. (There is consultation in GB too, before Bills are prepared.)

Pre-legislation is a term which has been coined for the purposes of this paper and which will be used to cover Primary Legislation from its inception right up to its formal laying before Parliament. Pre-legislation leads to Primary Legislation which passes, via Parliamentary procedures, on to the Northern Ireland Statute book and is eventually put into practice as another piece of law applying to all people within the Northern Ireland jurisdiction. For the purposes of this paper, the term "pre-legislation" will be used to cover only Orders in Council (not Bills of any kind, whether applying to Northern Ireland or not) which are intended for the Northern Ireland Statute Book, (see Figure 1).

The practical applications of the new law; the ease with which it is applied; its acceptance by public, politicians and lawyers,so that it is seen (in the social compact sense) "not as the command of a dominant power, nor as habit or custom, but rather as an agreement" (op cit P.2), stand firmly on the quality of the pre-legislation which produced it.



A completed piece of pre-legislation, then, is itself an output from a series of legal and administrative steps; leading from the initial idea to the production of a document which is eventually laid, as a completed piece of Primary Legislation, before Parliament.

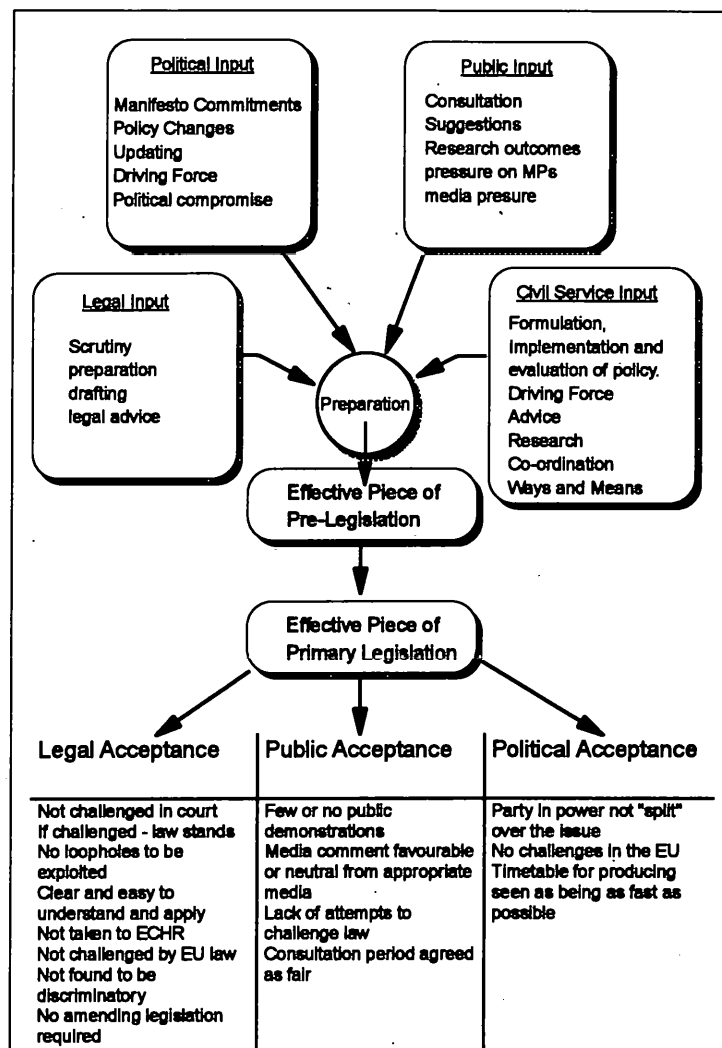


Figure 2: Outcomes of Effective Legislation and the Inputs needed to secure these.

Pre-legislation has now been defined as Primary Legislation, from its inception, up to its being laid in Parliament. So how can the quality of a piece of pre-legislation be measured? What is effective pre-legislation? The term "effective" is discussed in Chapter 5, and defined there as being determined by whether something meets pre-defined outcomes.

Perhaps, then, effectiveness of a piece of pre-legislation should be measured by its end results; by its practical application once it comes into force as new law; by the ease with which it is applied and understood; by its acceptance, both by the public and the legal profession; on

whether it is challenged through the European Court; on whether the courts apply it in the way that the legislators/administrators intended or whether amending legislation has to be introduced to make the legislation do what was intended in the first place. This however, would take many years to measure and is outside the scope and competence of this study.

So what can be done to assess its effectiveness? It may then be useful to "step back" and look at the "ingredients" of pre-legislation and how it is produced. Figure 2 shows the outcomes of effective legislation and the inputs needed to secure these outcomes. Starting at the bottom of the diagram, it shows that effective Primary legislation is effective because it is "acceptable" to politicians, the public and to legal bodies, (not "acceptable" in the sense, necessarily, of liked or wanted but seen as fair, equitable and just). For instance, effective legislation could be said to be legally acceptable if it is not challenged in court, or, if challenged, the law stands and does not need to be amended to have the effect originally intended. The law could be said to be acceptable to the public if there are few or no major public demonstrations over it or media campaigns against it, or there are no attempts to challenge the law. Political acceptance might be shown by the party in power not showing a major "split" over the issue.

Moving up a level, the Primary Legislation can only be effective if the pre-legislation which produced it was also effective. And the top of the diagram shows the inputs which are needed to produce effective pre-legislation. These inputs come from 4 main areas; a political input, a legal input, the public's input and the civil service input. These inputs could be pictured as gadgets adding ingredients to a jar and mixing them in the right proportions to produce the

right outcome. Only the right ingredients in the right proportions produce the right outcome.

And which ingredient is most important?

All are needed as figure 2 shows, but the only one to which I have access is the civil service input. If all are needed, in various proportions, can the effectiveness of the pre-legislation be measured in terms of civil service input only?

To return to the driving test example used earlier, how does a country decide that driving behaviour on the roads is unacceptable? It could be from the number of accidents, the number of court cases over violations of driving law, the cost to the country of these; vociferous complaints or campaigns by pressure groups, changes in perception brought about by happenings elsewhere.

But how could a test of driving competence affect these? For instance, the number of accidents might not depend solely on driving standards, it could also be affected by the weather, the state of the roads, attitudes towards driving, knowledge of the law and how crowded the roads are, among others.

As discussed earlier, a test of driving competence was introduced, rather than compulsory training, leaving it to individuals to decide how best to reach that standard. For some, a few lessons with a relative or driving instructor are sufficient, others take years to pass the test. The British driving test covers motor skills in moving the car from one point to another and driving knowledge, eg the Highway code, and other legal points, plus best practice, such as turning

right or overtaking safely on a motorway. The driving test has been updated in the last few years, to take account of changed conditions since it was first introduced.

The big question here, is whether this test of driving competence leads to better driving on the roads. So far as the governments of GB in 1935, Northern Ireland in 1956 and Belgium in 1977 are concerned, the answer seems to be "yes", each one introducing a test following concern over driving standards.⁵

Introducing a driving test could be seen as a first stage in improving driving standards and reducing the number of accidents and violations of the law. The UK test covers both driving skills and knowledge but does not cover attitudes; and these could be difficult to assess in a test, without using psychometric tests. In recent years, further legal sanctions have been introduced (new speed limits, drink/driving laws), a new skill and knowledge test has been introduced to the driving test (reverse parking and a written test) and there have been attempts to change attitudes by advertising campaigns, (speed kills, don't drink and drive, clunk-click, every trip).

The point of this discussion, using the driving test as an example, is that, some areas are very large, they cannot be tackled as a whole, perhaps because they are just too big; you don't have the access; don't have the money or even, that there is not the "political" will. Because they are so large, any work must be done in small areas or chunks and it can be difficult to relate effects or results in one area to results further down the line. As Hamblin has pointed out, quoted in Easterby-Smith, "it is unwise to conclude from an observed change at one of the higher levels of effect that this was due to a particular training intervention, *unless* one has followed the

chain of causality through the intervening levels of effect" ⁶ (P.32). For big areas, it may be that, if a problem is seen, the trainer has to assess whether there is any possibility of making a useful intervention, seek an area where a start on improvement can be made, test the effectiveness of that intervention and continue finding new ways to tackle it.

This argument can be applied to the Primary Legislation case. Access is almost solely to the civil servants, there is very little possibility of affecting any of the other players in any way, apart, perhaps to a small degree, the legal people within the NICS.

Civil servants are public servants. They serve the Government of the day. Policy which is put into effect is that of the Government of the day, and as the Government changes, so too does policy. Yet civil servants still help to put policy into effect by preparing Primary Legislation. Indeed, as Moriarty, a senior Home Office official, shows, the policy used by Government may be adapted from various papers already available within the civil service - "But time and again the Ministerial contribution to penal policy-making, at least as it appears to the observer and participant within the Home Office, lies not in the Minister bringing in his own fresh policy ideas, but in his operating creatively and with political drive upon ideas, proposals, reports etc, that are, so to speak, already to hand, often within the department but sometimes in the surrounding world of penal thought." ⁷

So civil servants often have the basis of the policy and if not, they commission or research the area, in response to demand. In Northern Ireland, they handle the consultation period with the public, which is an integral part of the Northern Ireland Order in Council process; they work closely with legislative Counsel (the legal experts) in the production of the pre-legislation,

scrutinising it to ensure that the legal language means the same as when they wrote the original Instructions (the administrators, not the legal experts are responsible for the accuracy, {both legal and technical} of the final document); and finally, they brief and advise the Minister on policy and legislation, what can or can't be done and the consequences of certain actions.

As in a jar, the ingredients mix together and merge to form a homogenous substance in which the individual contributions cannot easily be distinguished. But, the civil service contribution is not just a large individual portion of the mixture but it also has an effect on the public contribution (consultation), the legal contribution (Instructions and Scrutiny) and the political contribution (briefing and advice). If the civil service contribution to this mixture can be improved, it seems likely that the whole mixture will be improved.

To summarise, the best evaluation of the effectiveness of a piece of pre-legislation, would be to measure the final outputs, ie the legislation brought into effect. That would be a very long term evaluation and is outside the scope of this document. The pre-legislation itself, as the input to legislation, could be assessed, by assessing its outputs - its translation of policy and Instructions into a draft law but this again is long-term, the minimum time to produce a piece of legislation is 53 weeks (recently reduced from 64 weeks), with many Orders in Council taking far longer than this. Either or both could be done a few years after any training programme is set up, to evaluate the long-term effectiveness of any training provided.

If the final outcomes cannot be assessed, then perhaps the 'process' of producing legislation could be assessed. The most accessible area, is the training provided for civil servants in producing Primary Legislation. It is part of the "next step up" - preparation - in figure 2, which

is the step before the final production of a piece of completed pre-legislation. The outputs from "preparation" are the inputs to the pre-legislation. For preparation to be effective, the civil servants involved must be performing their legislative duties effectively and so one way of evaluating the training input, would be to evaluate the performance of the civil servants involved and make an assessment of the contribution made to their performance by any training input. This, as discussed in the chapter on "evaluation", could take the form of enquiry using methods from both the "scientific" and the "humanistic" approaches.

Overview of Project

This project began with a desire to find a timely and useful method of providing knowledge and skills in primary legislation for people new to it, without involving large amounts of time from experienced senior people; and the first idea was to produce a distance learning package to cover the area. As this would mean a large investment of time, it was considered that an evaluation was necessary, and this then suggested the need for a training needs analysis. For both the evaluation (chapter 6) and the training needs analysis, (chapter 8), a study of available literature was carried out and questions pointed up from these studies showed a need to define the words "effective" and "efficient" (chapter 5). The trainer involved in this had no knowledge of legislation or its production and this area had to be understood (chapters 2 and 3).

The training needs analysis and other, more informal methods, showed that distance learning alone would not satisfy the needs of people new to primary legislation and a study of the literature on open learning (chapter 4) suggested that, as a method of learning, it was far richer and more complex than the emphasis on "open learning as a choice of media" in the popular training press tends to suggest.

Lessons learned from carrying out the training needs analysis on primary legislation (chapters 9 to 11) were subsequently applied to subordinate legislation training, (chapter 12) with a consequent improvement in training in both areas. Improved knowledge was gained, both from practice and from the literature, of training needs analysis, open learning and evaluation, which could be applied more generally to other areas of training.

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- ⁴ Obligation and the Body Politic. Tussman, Joseph. 1960.
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Chapter 2

Northern Ireland within the United Kingdom

Abstract. This Chapter describes the constitutional set-up of the United Kingdom, describing the various parts of government, using the United States constitution as a basic model and covering the doctrine of the separation of powers. The position of Northern Ireland within the constitution is described.

Government of the UK

How is the United Kingdom governed? As the United Kingdom constitution (the "rules" by which a democratic country is governed) is an ancient one which has developed over many centuries, it may be easier to explain this by first looking at the American system of Government, which is younger and which was deliberately set up when the United States of America became independent. There, when the American Constitution was drawn up, the power of Government was deliberately separated into 3 branches, the executive, the legislative and the judiciary, as Garner and Jones say, "... the President, alone to exercise executive powers, the Houses of Congress alone to legislate and the Supreme Court and the lower judiciary to have a monopoly of the judicial power,"¹ (pages 4 - 13). Levine and Cornwell point out that, "The Constitution [also] requires that no person can be in more than one branch at the same time. Furthermore, each branch, in theory, is a co-equal with the others and performs specific functions within the confines of its own jurisdiction."²(page 3)

Amery writes that this form of Government was based on the writings of the French thinker, Charles de Secondat Montesquieu, who had studied the British system at the time and made

"the division and equipoise of powers in our [British] Constitution its chief characteristic and the secret of its success," in his 'Esprit des Lois' in 1748, ³ (page 11). He is quoted as writing, "There can be no liberty where the legislative and executive powers are united in the same body of magistrates, or if the power of judging be not separated from the legislative and executive powers," (op cit page 12). This is the doctrine of the "Separation of Powers".

However, according to Amery, Montesquieu was mistaken in his assessment of the form of British Government. Amery writes, " The central directing instrument of [British] Government, *in legislation as well as in administration*, (my italics) is the Cabinet. It is in Cabinet that administrative action is co-ordinated and that legislative proposals are sanctioned." (op cit page 70). "Parliament is not, and never has been, a legislature, in the sense of a body specially and primarily empowered to make laws. The function of legislation, while shared between 'King, Lords and Commons in Parliament assembled', has always been predominantly exercised by Government..... The main task of Parliament is still what it was when first summoned, not to legislate or govern, but to secure full discussion and ventilation of all matters, legislative or administrative, as *the condition of giving its assent to Bills* (my italics), (op cit pages 11 - 12).

For Levine and Cornwell, "The term 'Government' means a set of constitutionally derived formal institutions such as executives (administration) legislatures and courts." (op cit page 1). However, the United Kingdom does not have a constitution in the American sense of the term, as de Smith says, "There is no document called the British constitution. But since Britain has a regulated system of government with a complex of rules defining the composition,

functions and interrelationships of the institutions of government and delineating the rights and duties of the governed, Britain does have a constitution if these terms are used in a broader sense."⁴ (page 18).

The governing of the United Kingdom, then, whilst sharing with the United States of America these same 3 fundamental divisions of government; the executive, the legislative and the judiciary, does not separate them to the same extent. For instance, the Cabinet is both legislative and administrative - its political "executives" or administrators are also Members of Parliament, which under the American system would be seen as part of the legislature. Neither is there total and complete separation of the judiciary, for, as Garner and Jones say, "The Chancellor is head of the judiciary He also presides over the House of Lords as a legislative assembly. Furthermore, he is a prominent member of the executive - a Cabinet Minister." (op cit, pages 4 - 13).

Despite these differences between the American and British systems, this 3-way image of Government being divided into legislative, administrative and judicial functions is still useful.

The Functions of the Divisions of Government

If, as Levine and Cornwell say, Government means "a set of constitutionally derived formal institutions such as executives, (administration) legislatures and courts" (op cit page 1), then what, in British terms, is the function of each of these? For Garner and Jones, "The executive function consists primarily of initiating and formulating policy and then directing its execution. It is 'Government governing'. The legislative function of Government consists of

making rules normally with a view to guiding the conduct of individuals and institutions.

Distinctions may be made between making laws (legislative function), enforcing laws

(executive function) and adjudicating on the basis of laws (judicial function)." (op cit pages 4 -

13)

In Britain, the Cabinet is, according to Amery, "the central directing instrument of

Government, in legislation as well as in administration." (op cit page 70) The majority of

Cabinet Ministers will be Members of Parliament (MPs), (those who are not, will have seats in

the House of Lords instead) from the ruling party, hand picked by the Prime Minister and most

(not all) will head departments in the Civil Service, eg the Secretary of State for the

Environment, the Secretary of State for Northern Ireland, the Secretary of State for Health. The

Cabinet will prepare a legislative programme for each session of Parliament and the major

items will form part of the Queen's Speech each year at the State Opening of Parliament.

The Cabinet prioritises the legislative programme but it is the individual Civil Service

departments such as Transport, Health, Agriculture etc., which formulate and produce the

legislation which gives effect to the Cabinet's programme. These same departments also have a

regulatory function - once the legislation has been passed by Parliament, the Civil Service

administers it.

Parliament does not normally produce legislation, it debates the issues and assents (or

otherwise) to legislation produced in accordance with the Cabinet's programme of work. The

exceptions here may be Private Members' Bills, where an MP may, under certain conditions,

sponsor a Bill through Parliament. Few of these succeed in becoming law, those that do, have generally had tacit consent and backing from the Government and may well legislate on issues of conscience, such as Homosexuality or Abortion, where the Party in Power or the Cabinet itself may be split on the issue.

The judiciary, the third institution of Government, determines whether or not an individual or body has kept or broken the law. Garner and Jones say that, "The judicial function is essentially one of discovering the law ... , determining facts and then applying the law to the facts so as to reach a decision." (op cit pages 4 - 13). The judiciary cannot challenge the validity of an Act of Parliament (the name given to legislation after it has been passed by Parliament), except where it is incompatible with European Union (EU) law, however, where the wording of an Act of Parliament is unclear, the judiciary will interpret it according to set rules. This may mean that the law as applied is not what Parliament intended. In this case, the Government must either accept that or pass new or amending legislation so that the law is applied as intended.

This is completely different from the situation in the United States of America, where the Supreme Court can be asked to determine whether or not a law produced by the legislature is unconstitutional. This big difference is because the United States of America has a written constitution and the legislature may not pass laws which conflict with the Constitution. In the United Kingdom, as Garner and Jones write, the "principle of Parliamentary Sovereignty means that Parliament has the right to make or unmake any law whatever," (op cit page 4). It can create any new law, which is absolutely binding on everyone within the sphere of its jurisdiction but all Acts of Parliament can be repealed by the same or subsequent Parliaments.

The United Kingdom has a constitution which is partly written and partly unwritten but "no person or body is recognised by the law as having the right to override or set aside the legislation of Parliament." (ibid) Although, since the United Kingdom joined the European Community (now the European Union), the doctrine of Sovereignty has become somewhat battered; as, where a United Kingdom law and a European Union law conflict, the EU law takes precedence. Parliament could in theory repeal the relevant Act, in which case, European Union law would no longer apply in the United Kingdom.

The Civil Service

The Civil Service is part of the Administration of the country, the executive arm of Government. It advises Ministers on policy, briefs them on precedents and regulates legislation. As Amery says, "The work of the great departments of State is, indeed, normally a close co-operation between the technical knowledge of the Civil Service and the ideas engendered in it by long and intimate experience of the subject matter from within and the broader political outlook of Ministers," (op cit, pages 101 - 102) however, the United Kingdom civil service has traditionally been politically neutral, serving whichever Government is in power. Civil servants may not be seen to be politically biased (this is enshrined in codes specifying which grades of civil servants may not take part in party politics) nor may they form part of the judiciary. At this level then, the administration, the legislature and the judiciary may seem to be separate. The civil service does not however, have just a regulatory function, it also helps to prepare legislation, generally in line with the political aims of whichever government is in power and may also put forward ideas for legislation. Richard

Crossman (of the Crossman Diaries fame) wrote, "I found the whole morning pretty well engaged on problems of the Protection from Eviction Bill. The draft Bill was sent down ... late last night and I was asked to confirm the paper, which the officials obviously thought was a mere formality."⁵ (1-2 November 1964). The civil service will also prepare delegated legislation, the details needed to "fill in" Acts of Parliament, which are often a broad framework, rather than detailed operating instructions.

The inter-relationships described above are illustrated in Figure 3.

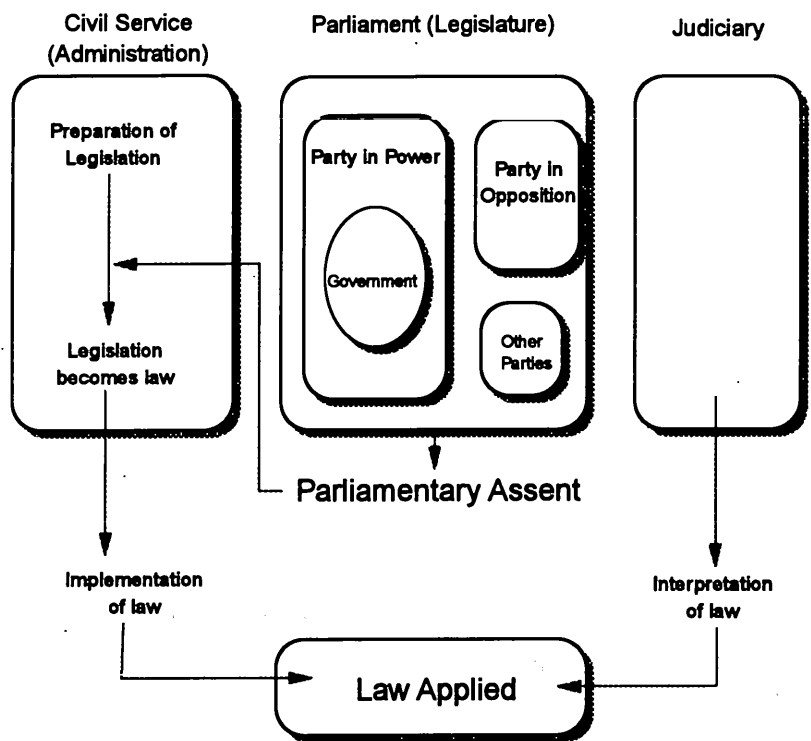


Figure 3. The Relationship between Parliament, the Judiciary and the Civil Service in the Application of Law.

The Northern Ireland Position

The United Kingdom is properly titled "The United Kingdom of Great Britain and Northern Ireland". Great Britain (GB) comprises England, Wales and Scotland. The major part of Primary Legislation for these three areas goes through Parliament in the form of Bills. Once a

Bill has received the Royal Assent, the legislation is then known as an Act of Parliament. An Act of Parliament can be applied directly to Northern Ireland as well as GB, or, more usually, contains a section stating that it is the Government's intention to make an Order in Council which will extend the legislation to Northern Ireland. As Hadfield says, " legislation for Northern Ireland within the areas devolved by and under the Constitution Act 1973 may be made by Order in Council Under the 1973 Act there were three categories of legislative power; excepted, reserved and transferred matters. Excepted matters under the 1973 Act remained at Westminster and were legislated on there by way of Act of Parliament." ⁶ (pages 130 - 140) .

Excepted matters (such items as external defence, coins of the realm etc) form a very small, almost negligible, part of Northern Ireland's legislation, so the vast bulk of legislation goes through as Orders in Council, following after the relevant GB legislation. This means that similar legislation often comes into effect later in Northern Ireland than it does in GB. For instance, the Belfast Telegraph, Northern Ireland's evening newspaper, on 18 October 1991 carried on the front page a minor heading "Danger dog deadline to bite in six weeks". The article explained that "The Dangerous Dogs (Northern Ireland) Order would come into effect on 31 October 1991 and that after that date, Ulster owners of dangerous dogs would have to comply with various regulations by certain dates or "face having their dogs destroyed". An Act of Parliament covering these matters was already in force in GB (July 1991).

Legislation which applies solely to Northern Ireland may also be passed by Act of Parliament, such as "The Emergency Powers Act". Like the legislation in the "Excepted" category, this forms only a tiny part of Northern Ireland legislation.

The Northern Ireland Civil Service

In Northern Ireland, there are two sets of civil servants, covering different areas of Government; they are:-

the Imperial Civil Service, covering items such as Income Tax, VAT and Customs Regulations which are identical throughout the UK and with their Headquarters in GB, and the Northern Ireland Civil Service which covers matters which were devolved to a local administration at the time of the partition of Ireland, areas such as Agriculture, Health and Employment and whose Headquarters are in Northern Ireland.

Civil Servants in Northern Ireland have their counterparts in GB in areas such as transport, environment, agriculture, education etc, who are making legislation relevant to GB. But the ways of producing legislation in GB and Northern Ireland are very different.

In GB, a civil servant will produce the policy in a certain area and will then instruct that department's solicitors to produce legislation covering that policy, in conjunction with the Parliamentary draftsmen. The GB civil servant will not have any contact with the Parliamentary Draftsman producing the draft legislation - all contact will be via the departmental solicitor. Both the departmental solicitor and the Parliamentary Draftsman are legally qualified and will have many years experience of constitutional law.

In the Northern Ireland Civil Service, a civil servant will instruct Legislative Counsel directly. (Legislative Counsel are the Northern Ireland equivalent of the Parliamentary Draftsmen.)

Legislative Counsel will be legally qualified and will have many years experience of constitutional law but the civil servant is unlikely to be legally qualified and may have little or no experience of legislation or the background to the constitution.

From the Northern Ireland Civil Servant's perspective, political policy is dictated by whichever Government is in power, through the Secretary of State for Northern Ireland. Both the Civil Service and the Government will note any comments made by, for instance the USA, the EU or other countries, comments in the media or by local politicians and the views of pressure groups, such as, for instance, the NSPCC, the farming lobby, sporting groups etc. These comments may or may not be actioned in any subsequent legislation and it is the civil service's job to advise Ministers on these pressures and how to deal with them. Ministers may or may not follow that advice and will themselves deal with political pressure.

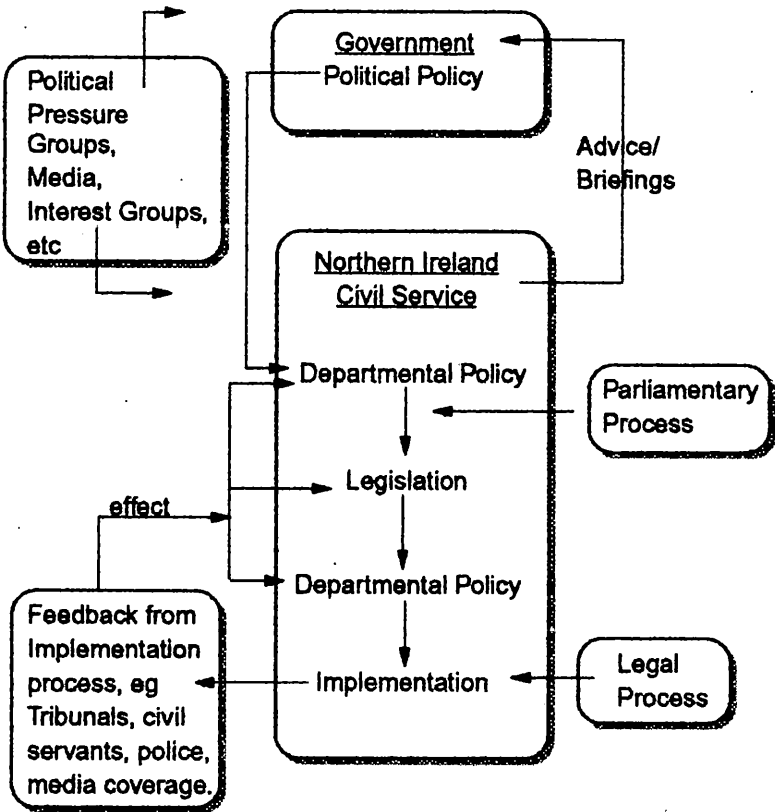


Figure 4. The Northern Ireland Legislative Process seen from a Civil Service Perspective

The Parliamentary Process will have an effect on how legislation passes through Parliament, for instance Parliamentary recesses can cause long delays.

Finally, when legislation is implemented, the legal processes, such as interpretation of meaning or judicial review or the legislation's legality considering EU legislation, can affect how legislation is implemented and may mean changes in the policy of implementation or even repeal of the legislation or amendments to it. One well known example of this is, for instance, the issue on payment of disability allowance to married women. The legislation treated married women differently from single women and men and a challenge to this legislation through the European Parliament resulted in change. Other, less dramatic changes may take place, not at legislative level but at implementation level. For instance, although the law in a particular case may seem clear, (for example, payment of a grant say,) the way in which it is *interpreted* by a civil servant may be challenged through the process of judicial review, resulting in the law being *applied* differently.

For the civil servant in Northern Ireland, piloting a piece of legislation through Parliament may seem to be solely a means of expressing government policy or even an end in itself. Seen from the longer viewpoint, it is part of a long tradition of government in this country and a much wider process, involving policy discussions, the administration, the legislature, the judiciary and the public.

- ¹ Garner's Administrative Law, J F Garner and B L Jones, 6th edition published Butterworth 1985.
- ² An introduction to American Government, Erwin L Levine and Elmer E Cornwell Jr, published Collier MacMillan 1968.
- ³ Thoughts on the Constitution, L S Amery , published Oxford paperbacks 1964.
- ⁴ Constitutional and Administrative Law de Smith. Ed Harry Street and Rodney Brazier published Pelican, 5th edition 1987.
- ⁵ The Crossman Diaries. Condensed version edited by Anthony Howard, published Methuen 1979.
- ⁶ Constitution of Northern Ireland, Brigid Hadfield, published SLS, 1989.

Chapter 3

The Situation

Abstract. Covers the historical background to the Northern Ireland Primary Legislation course, the various Acts of Parliament which made it necessary, the differences between Northern Ireland and GB in producing legislation, and ends with points which led to considering open learning as a possible form of training in the area.

Historical Background to the NI Primary Legislation Course

The island of Ireland was partitioned in 1921, when the Government of Ireland Act 1920 came into force. Under this Act, Northern Ireland, whilst remaining part of the United Kingdom under the overall control of the Government and Parliament at Westminster, had its own devolved government with wide internal powers. This lasted until 1972 when the last parliament of Northern Ireland was prorogued and finally dissolved in 1973. Much of the 1920 Act was replaced by The Northern Ireland Constitution Act 1973 which changed Northern Ireland from a province ruled by a devolved government and with a Governor of Northern Ireland as the Queen's Representative to one where, as before, ultimate authority lay with Westminster: but instead of a two-house Parliament and a Governor, there was now a Secretary of State for Northern Ireland (a member of the Westminster Government), and a single-house elected Assembly with reduced legislative powers.

Woodman explains this as follows; "In practice, this structure only operated from January to May 1974. From March 1972 to December 1973 and since May 1974 all the functions of Government have been carried out by the Westminster Government through the Secretary of State and his junior Ministers. The present legal authority for this direct rule is contained

in the Northern Ireland Act 1974. However the structure envisaged by the 1973 Act remains in place and is responsible for the different forms taken by legislation in Northern Ireland."¹

In addition, the 1973 Re-organisation of Local Government transferred many Local Government functions to Central Government, so that Central Government became responsible for functions such as Roads, Water, Policing and Education, among others, which in GB are Local Authority functions.

Both sets of changes were for political reasons which are outside the scope of this document.

Since 1974, Primary Legislation for Northern Ireland has been enacted either by Act of Parliament, as in the rest of the United Kingdom, or by Order in Council (a form of delegated legislation) made under paragraph 1 of Schedule 1 of the Northern Ireland Act 1974. The bulk of Primary Legislation relating exclusively to Northern Ireland appears in this latter form.

The reasons for this are the two Acts of Parliament already mentioned, the Northern Ireland Constitution Act 1973 and the Northern Ireland Act 1974, which must be read together, and which both govern the way in which new laws are passed for Northern Ireland.

The 1973 Act devolved certain legislative and executive powers to a Northern Ireland Assembly (equivalent to a Parliament) and a power-sharing Executive (roughly equivalent to the Cabinet) drawn from it. The legislative powers to be devolved were defined by redefining 3 categories of legislative power; Excepted, Reserved and Transferred matters.

The Excepted matters covered such items as the Crown, Westminster elections,

international relations, and taxation, among others, and were to remain at Westminster and be legislated on by Westminster Acts of Parliament. The Reserved matters were ones which the Assembly could, exceptionally, legislate on and then only with the consent of Westminster and included items such as criminal law, control of the police force (the RUC, the Royal Ulster Constabulary) firearms and explosives.

Transferred matters covered anything which was not listed as an Excepted or Reserved matter and the Assembly was given power to legislate in this area almost free of any restriction, except that of discrimination. Under the 1973 Act, any laws passed by the Assembly on Transferred matters were called Measures and had the same force as Acts of

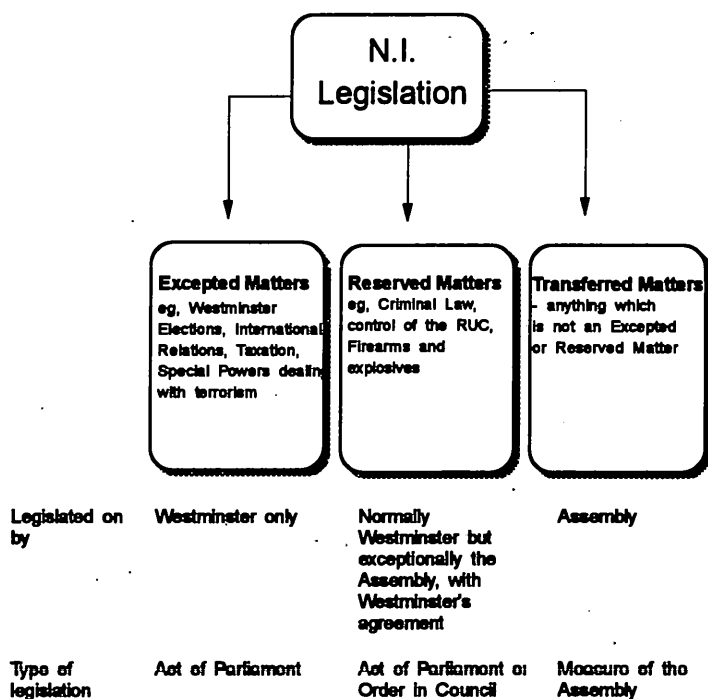


Figure 6. Legislation under the Northern Ireland Constitution Act 197

(Westminster) Parliament, unless the laws passed discriminated against people on the grounds of religious belief or political opinion, in which case - and only in this case - they

could be challenged in court. (Acts of [Westminster] Parliament cannot be challenged in a UK court on any grounds at all.)

The Assembly lasted only from January to May 1974, when it was finally prorogued (ie discontinued without actually being dissolved) and its legislative power reverted to Westminster. This led to the 1974 Act which decreed that Transferred matters should now be legislated on at Westminster by Orders in Council and that Reserved matters should be treated in the same way as Transferred matters. Excepted matters were not affected, they

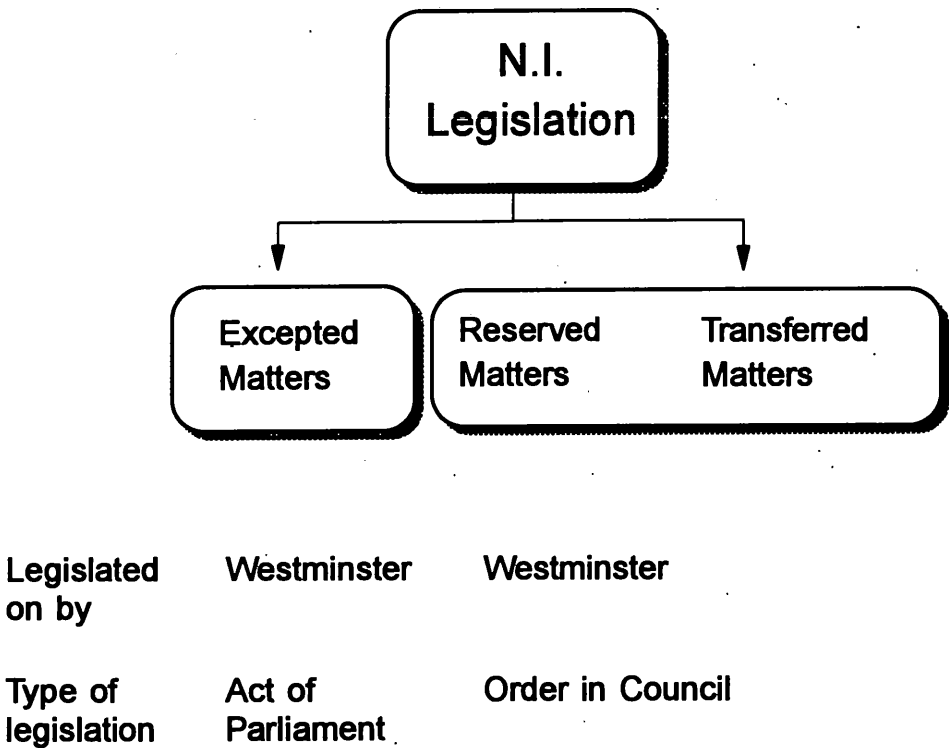


Figure 7: Legislation under the Northern Ireland Constitution Act 1974

are still legislated on by Act of Parliament, eg the Northern Ireland (Emergency Provisions) Act 1978 and 1987. Reserved matters and Transferred matters are now treated in the same way and legislated on by Orders in Council at Westminster. "Under the 1974 Act, these Orders in Council have the same force and effect as an Act of Parliament - subject only to the anti-discrimination provisions of the 1973 Act." ² (page 60)

From 1974 then, there was a need for civil servants to be trained in producing legislation through Orders in Council. The Primary Legislation course, when it was first devised, was run as a 4-day residential course and covered not only Primary Legislation but also the initial steps in Subordinate Legislation. It was during this period that the case study on Primary Legislation (The Deer Order) was produced, and used as a basis for the course and for the "Guide to the Legislative Process under the Northern Ireland Constitution Act 1973 and the Northern Ireland Act 1974", (familiarily known as the "Blue Book"), a set of procedures showing how to produce legislation by an Order in Council.

Primary Legislation

First of all, what is Primary Legislation and what is its importance? According to Miers and Page (1982), "one use of the word legislation is to denote the results or products of the legislative process"³. The Little Oxford Dictionary is briefer and defines legislation as "making laws; laws made". So, to legislate is to make law; that is, to make rules which must be obeyed by all who come within their ambit. But if legislation is making laws or a name for those laws which have been made, what then is Primary Legislation and what distinguishes it from other types of legislation? To explain this needs a short digression into the history of Parliament.

During the 17th century, Parliament became the supreme law-making body. But by the 19th century, Parliament's work had expanded so much that it was impossible to decide all issues through Acts of Parliament and so certain specified powers of making legislation were delegated to various bodies, including government departments. Because of this, government departments today have extensive law making powers and this delegated or subordinate legislation is a major source of law.

Government departments however can make legislation only when there is a specific law allowing them to legislate in that area. Parliament kept for itself the power to make new laws, or Statutes, (Acts of Parliament) unfettered by previously defined powers. This latter form of legislation is Primary Legislation. Because it is an elected body, in a democracy, Parliament is the most important body in the field of law-making in the United Kingdom and this is reflected in the status of Acts of Parliament. They are the highest recognised form, and most important source of law in the United Kingdom.

For Smith and Keenan, "A statute is the ultimate source of law, and, even if a statute is in conflict with the common law or Equity, the statute must prevail." ⁴ (page 9). A statute openly creates new law and "no court or other body can question the validity of an Act of Parliament" (ibid). But, whereas the validity of Acts of Parliament cannot be questioned in a court of law, (except as regards compatibility with EU law), subordinate legislation, on the other hand, can be challenged in court on the ground that it is *ultra vires*. Legislation is said to be *ultra vires* if it is outside the scope of the enabling provisions of the Parent Act (the Primary Legislation) or fails to satisfy some condition prescribed by them.

So, Primary Legislation is an Act of Parliament which creates a law that cannot be challenged in court, whereas subordinate legislation can be created only if the specific power to do so is contained in the Parent Act or statute. Subordinate legislation can also be challenged in court on the grounds that it is *ultra vires*. In Northern Ireland, most legislation is made slightly differently, (see below), for reasons already discussed.

Although primary legislation must be passed by Parliament, in practice, legislation is a function of government rather than Parliament but Parliament's assent to legislation both gives it the force of law and invests it with democratic credentials.

Pre-Parliamentary Stages

Acts of Parliament originate in many different ways: political decisions; manifesto commitments; from the ordinary work of government departments; memoranda from local authorities; professional or trade associations; academic studies; articles in the press; and letters from MPs and members of the public.

Although the Cabinet determines the content of the legislative programme for each session of Parliament, it is the source of only a limited number of the proposals put forward. The greater proportion of Bills (the name for Acts of Parliament *before* they become law) originate in Government departments.

Differences in Northern Ireland

All of the above points apply to legislation in Northern Ireland except that the bulk of the legislation usually goes through Parliament by Order in Council, made under paragraph 1 of Schedule 1 of the Northern Ireland Act 1974. Orders in Council are actually a type of delegated or subordinate legislation. However, although Orders in Council are technically delegated legislation, for Northern Ireland (and only Northern Ireland) they satisfy almost all of the criteria for Primary Legislation:-

- i. they openly create new law,

- ii. no court or other body can challenge their validity, *except on grounds of discrimination*. They cannot therefore be challenged as *ultra vires*,
- iii. they can confer the power to make subordinate legislation.

Northern Ireland Orders in Council therefore have almost all the characteristics of GB Primary Legislation and carry the same force as an Act of Parliament. This is because the parent legislation, (the Primary Legislation), which is an Act of the United Kingdom Parliament - The Northern Ireland Act 1974 - gives these Orders in Council that power.

There are 4 reasons why Orders in Council are used for Northern Ireland legislation. The first is political. Under present Government policy, there is a political will to work towards the return of a devolved administration at Stormont. The present arrangements for putting Northern Ireland legislation through the Westminster process are seen as purely temporary and as "filling a gap".

Secondly, there is already time pressure on Parliament for passing GB and UK legislation. If Northern Ireland legislation were also put through Parliament by Bill, the extra work would increase Parliament's overload.

The third reason is both administrative and linked to the first reason. If primary legislation for Northern Ireland were enacted by Acts of Parliament, the new laws created would be part of the GB Statute books. Northern Ireland law, when created as an Order in Council, is collected together as Northern Ireland legislation. The Northern Ireland Constitution Act 1973 makes provision for a Northern Ireland Assembly with legislative powers. If and

when that Assembly is re-formed, all legislation created under the 1974 Act will be available to it in one place, rather than scattered throughout the GB statute book.

Fourthly and finally, if Northern Ireland law were made by extending GB law to Northern Ireland, and money and resources were made available there for administering the law, there could be a reluctance to release these at a later date.

It is true to say that these reasons are the ones put forward by the Administration of Northern Ireland. They are not all accepted as reasonable by people outside the Administration.

The Civil Service Function in Primary legislation

Preparation of legislation in Northern Ireland, is a skill unique to civil servants. The actual legislation is produced by Legislative Counsel, qualified lawyers specially trained in legislation, however, administrators instruct Counsel in what legislation is required. Again, Northern Ireland differs in this from GB. In GB, civil servants prepare policy and pass this policy to their Departmental Solicitors who then instruct the Parliamentary Draftsman. There is an argument which says that they therefore need more legal knowledge than their GB counterparts.

Appendix 9 gives a brief, simplified overview of the steps involved in preparing primary legislation.

Figure 8 shows how a piece of Primary Legislation is created and added to the statute books.

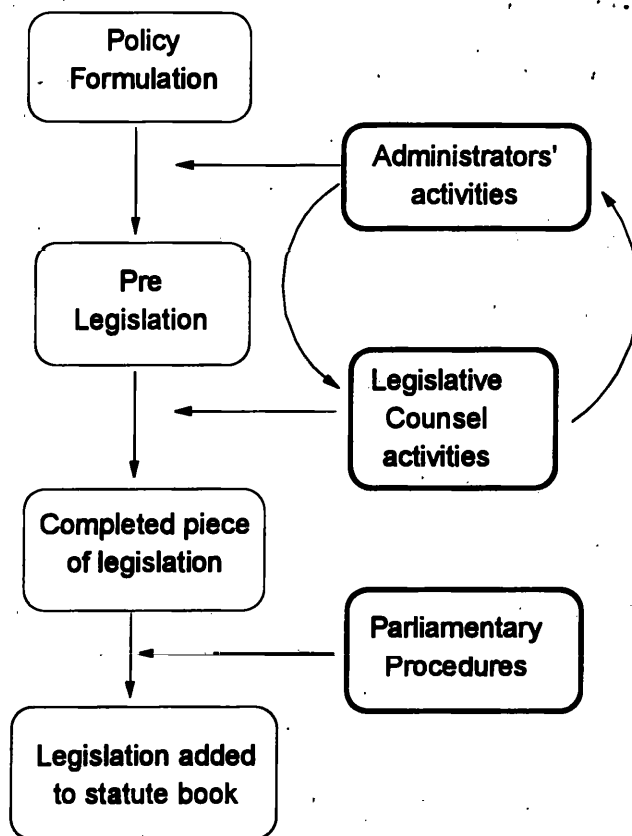


Figure 8. Model of the production process for a piece of Primary Legislation. In this simplified version of the model, each step depends on the preceding items in the chain. If any one of them is not working effectively, then none of the steps succeeding it can work effectively.

Current Situation on training for Primary Legislation Jobs

Civil servants involved in preparing pre-legislation have always demanded training in the skills required and the current method, revived in 1988, is a combination of a 2 day, intensive training course, condensed from the original 4 day course and covering the basics; and on-the-job training from more experienced administrators (if these are available).

The 2 day course is tutored by very senior civil servants who are usually not directly involved with the administrative teams needing training. They also need preparation time in advance of each course. Administrative back up at high and low levels is also needed and the administrative teams have to leave their offices virtually unattended for 2 days if the

whole team is to gain maximum benefit from the course. The course is run once or twice a year usually in September and February.

Problem

A change of presentation was requested which would do the following:-

- a. reduce considerably the involvement in tutoring by the senior civil servants currently tutoring the course or any other similarly placed civil servants not directly involved with a particular piece of legislation;
- b. provide training on a just-in-time basis (JITT), ie training as and when needed, not before or after;
- c. be flexible in what training was needed, ie it should take account of needs and experience;
- d. give a greater throughput of numbers;
- e. include some kind of discussion forum/workshop;

Not requested but also required (from a professional training viewpoint) were:-

- f. the training should be cost-effective;
- g. there should be an improvement in the quality of the pre-legislation;
- h. learning should be more self-directed;
- i. learning should occur in the teams preparing a piece of primary legislation;
- j. there should be an improvement in the retention of learning;
- k. if possible, training should be made available to lower grades as a background to their work.

Possible Methods of Solution

I. Cease training altogether. This would cover points a and h in the paragraph on *Problems* (above). However, without training, civil servants use commonsense, the "Blue Book" (a procedural manual with examples) and help from experienced but often untrained colleagues to prepare primary legislation. This results in legislation which:-

- i. takes longer to implement;
- ii. is more difficult for Legislative Counsel to prepare;
- iii. is often unclear in direction;
- iv. may contain mistakes which will require further legislation to correct;
and,
- v. costs significantly more to implement because of items i to iv. Correct preparation of primary legislation is vital for getting effective legislation through Parliament in a timely fashion and in a form acceptable to politicians, the public and the legal profession. (Not "politically" acceptable, necessarily, but acceptable in the sense of being clear, fairly applied and legally sound.) Training in its production is therefore important and cannot be left to "trial and error".

II. Bring in Outside Tutors. Preparation of primary legislation is a skill unique to civil servants and outside expertise cannot be brought or bought in. There are significant differences in the production of Northern Ireland legislation, so expertise cannot be brought in from outside Northern Ireland.

III. Present the Course in a different way. Lewis (1986) quotes the Manpower Services Commission Glossary in "A New Training Initiative", July 1984, when

he defines Open Learning as "arrangements to enable people to learn at the time, place and pace which satisfies their circumstances and requirements". ⁵ A more recent definition is "any learning that is learner centred in terms of time, place and pace of learning; demands active participation by the learner, but nevertheless offers active support to the learner" given in the "Relative Costs of Open Learning" Report ⁶ (unpublished).

Items a d and h in paragraph 7 tie in well with these definitions and so suggested that the course needed to be made more open. As has been mentioned in Chapter 1, the demand for another way of training people in the skills of producing Primary Legislation had already been demanded and some form of "distance learning" / text-based method had been proposed. It was therefore decided to consider whether open learning could help civil servants learn how to prepare Primary legislation.

¹Legislation in Northern Ireland, Woodman G, The Law Librarian Volume 18 No 2

August 1987

²Legislating for Northern Ireland at Westminster, Brigid Hadfield, in Public Policy in

Northern Ireland: Adoption or Adaptation. Edited Professor MEH Connolly and Dr S Loughlin published by Policy Research Institute, Queen's University Belfast and University of Ulster, 1990.

³Legislation. D R Miers and A C Page (1982) Sweet and Maxwell.

⁴English Law, 7th Edition 1982. Kenneth Smith and Dennis Keenan published Pitman.

⁵What is Open Learning? Lewis R, Open Learning Volume 1, Number 2, June 1986

⁶Relative Costs of Open Learning. TA, DES, NEDO in association with OU, Coopers and Lybrand. (Unpublished)

Chapter 4

Open Learning - an investigation

Abstract. This chapter surveys the literature on Open Learning, which is found to have two very different "ancestors", co-existing, sometimes, rather uneasily. No single agreed definition of open learning is found and the available definitions are used to define three supports for open learning. While open learning seems often to have a multi media context, this chapter argues that learner support is equally as important to open learning, and uses Lewis's open-closed learning continuum to reconcile the "industrial" and "humanistic" strands of open learning. The chapter ends by showing how open learning is applied to the thesis.

Reading the claims that have been made for open learning (enormous cuts in cost, more effective learning, faster learning), one could be forgiven for thinking that it could be the universal elixir of training. If it is a more effective means of training, then any organisation wanting to improve the effectiveness of its training, should make a thorough investigation of the claims for open learning, to see if they can be substantiated and whether open learning really could be a means of improving the training provision.

The starting point for an investigation could be with a definition of open learning. Thorpe and Grugeon (1987) amalgamated several workers' definitions to produce their (tongue-in-cheek) version which defined open learning as; means used by education and industry for helping any section of the population to achieve almost any educational or training goal ¹ Having indicated the slight exaggeration, they make the point that it still remains to be seen "whether open learning can justifiably claim such universal coverage" (ibid). But, for Webberley and Haffenden, "there exists no universally-agreed, adequate and comprehensive definition of open

learning." ² (p.137), concurring with Drodge (1980:10) who concluded that, "there were as many definitions as there were people involved",³ (p.19) and Mackenzie, Postgate and Scupham who said, as far back as 1975, that open learning had great potential as "an inscription to be carried on a banner, gathering adherents and enthusiasts", but that "it eludes definition". ⁴ (p.16).

The "rude" comment by Mackenzie *et al* on open learning rather suggests that a look at open learning's history and parentage might be useful - to see whether it is of pedigree lineage or perhaps a mongrel upstart. The term *open learning* has long since reached "adulthood", having been widely used since its apparent birth in 1969 alongside the Open University, which was founded then (op cit P. 27). But open learning is much older than its apparent twin. Its first use as a term goes back at least as far as 1924, in Pitman's Journal (6 December)⁴ (page 6). And its ancestry is just as mixed as its date of birth.

Open learning seems to have two very different "ancestors", an "industrial" component, concerned with throughput of numbers, and rapid, flexible, cost effective training; and a "philosophical" component, concerned more with lifelong learning, awareness and progressive, humanist philosophies. A number of writers have commented on this combination - a blend of the romantic and the utilitarian, according to Hirst ³ (P.19) - the Martha and the Mary of education for Lord Crowther ⁵.

Some writers consider that both components are used in open learning programmes: contributing both to the maintenance of a skilled workforce on the one hand and helping

individuals achieve fulfilment through personal development on the other ⁴ (page 8); and Everiss, describing the two components as "education" and "training", considered that open learning avoided their separation, often seen in conventional courses ⁶ (P.6).

Others have described the components separately or have concentrated more on one component than the other. The "education" portion is described by Groombridge (1982:317) as " a personal process of growing awareness, consciousness and experience." ³ (P. 18), while Hirst says that its rhetoric comes from "progressive and humanist philosophies" (ibid). She describes the "training" portion as, learning situations which are influenced by economic and political considerations, (op cit P. 20), whereas Holland is more concerned with the "industrial" component of open learning, viewing it in terms of making Britain more economically competitive by updating and retraining the workforce more rapidly, flexibly and cost-effectively than would be possible by conventional means⁴ (P.7).

Kliebard illustrates the two components as he sees them for distance learning (which is considered to be a sub-set of open learning⁴ (P.10)), by using metaphors of production and growth. The metaphor of production is described thus, "The curriculum is the means of production and the student is the raw material which will be transformed into a finished and useful product under the control of a highly skilled technician" ⁷ (P.15). A highly industrialised picture which contrasts sharply with Kliebard's metaphor of growth: "The curriculum is the greenhouse where students will grow and develop to their fullest potential under the care of a wise and patient gardener (op cit P.16).

Open learning, then, can be seen as a combination of two very different aims and Easterby-Smith, while writing about the "systems" approach to training, asks, "*whose*

objectives are they? Are the correct objectives of training defined by the organization, by the trainers, by the trainees' bosses, by the trainee or by some external validating body? these may differ quite markedly. ⁸ (P. 36). It is Hirst who asks how these dual and sometimes contradictory aims should be balanced, answering it herself by weighting the scale in favour of the "industrial parent". For, as she points out, "... all things are not normally equal," and so it is likely that "political, economic and social factors - rather than rhetoric - will determine in whose best interests ... open learning will continue to prosper ... ³ (P. 26).

It seems that so far, there is no universally-agreed definition of open learning, and the history and background of open learning point only to the dual and even contradictory aims of open learning, leaving us only a little clearer on its nature. Perhaps an alternative starting point would be to build a composite picture of open learning from the many definitions available, starting with the simplest.

" A whole series of varied educational initiatives and provisions", and "the combination of old and new methods of learning ... to meet the growing needs of adults in the UK [for] studying in ways that have been adapted to suit their own life and work circumstances" ¹ (PP. 1 - 2) are two basic definitions used by Thorpe and Grugeon in their introductory essay "Moving into Open Learning". The important terms in these two basic descriptions would seem to be "varied provision", "combination of methods of learning", and "adapted to suit". The whole thrust of open learning in these 2 definitions is its emphasis on the learner (as opposed to the educator/trainer) and on individual choice (as opposed to restriction).

These twin themes are expanded by Lewis when he defines open learning in terms of its opposite - "closed" learning and the "constraints inherent in conventional education and training".⁹ (P.5). For Lewis, closed learning places the emphasis away from the learner, and restricts choice, although he also shows that openness in learning is relative as, "open learning systems are never open on all aspects and when they are open, they are rarely totally open" (ibid P.6). This allows him to place training courses/learning events on a continuum, defining them in terms of how open or closed they are, rather than forcing them to one side or other of an artificial open/closed dichotomy.

Thorpe and Grugeon's tongue in cheek definition given at the start could have been redefined as a slogan, "choices for everyone in learning" and so far, this "slogan" has been merely emphasised by the basic definitions given immediately above. Other definitions make more explicit the fact that the "choices", even if part of a spectrum of openness, refer not only to the methods or ways of learning available to students but also to the removal of barriers, whether institutional or personal, which could prevent them from learning. For example, "the restrictions placed on students are under constant review and removed wherever possible." (ibid P. 5), or, "open learning is an attempt to break down the traditional barriers to training such as pre-qualification, age, geographical location, availability, scheduling, learning style and cost."¹⁰ (P.339). For Thorpe and Grugeon, this means that "very different forms of provision can be legitimately included under the 'open learning' umbrella - legitimately because there is at *minimum* (my italics) a reduction of institutional barriers against access."¹ (PP 7 - 8) Other definitions also specify other types of barrier removed, "The emphasis is on opening up opportunities by overcoming barriers that result from geographical isolation,

personal and work commitments or conventional course structures which have often prevented people from gaining access to the training they need." ⁹ (P. 5)

These latter definitions have expanded, explained or emphasised the **choice** element of open learning. Other definitions expand on the "learner" element and include independent, individualised learning, active learning, participation and learner support. "Any learning that is learner-centred in terms of time, place and pace of learning; demands active participation by the learner but nevertheless offers active support to the learner". The first part of this quote again emphasises the choice element: the latter part covers the new elements of active participation by the learner and support of the learner. ¹¹ (para 1)

This can be used to expand the "slogan" of "choices for everyone in learning". This phrase, based on the early definitions, depicts the learner in the passive mode, meekly choosing which piece of learning shall be crammed in next and in what circumstances. The last quote now gives the learner an active part to play in the learning process, not just in choosing what, where and when to learn but also how to learn - the learning methods, the assessment methods, and of course, how best to be supported through the learning process. The "choices" element of the slogan still remains, but "everyone" can now be defined more closely as "active learners", and "learning" could be expanded to "supported learning", making the slogan, "Choices for active learners in supported learning".

Of the 3 elements so far defined as essential parts of open learning, the one most discussed in the literature is that of choice. Choice of where, how and when to learn, choice between

modules, courses, and on or off-the-job learning. Choice is personified in the phrase used to promote the Open Tech - "learning at a time, a place and pace to suit the individual".

Less emphasised, in the training field, have been the "active learning" and "supported learning" elements discussed above. Supported learning could be seen as having to increase in direct proportion to the amount of choice given to learners. Removal of some barriers to learning, such as attendance in class at a regular time, submission of homework on a regular basis may also have removed some support that was available under the former "closed" systems. Such items, which may be perceived as barriers to some learners, may be supports or props to others, helping them with their learning process. This is supported by Thorpe and Grugeon who argue that, "the pressure of meeting deadlines ... can contribute to successful progress," ⁴ (P. 18) For many adults, attendance at an evening class may be restrictive but it also imposes a discipline and a support which must be supplied from elsewhere, either extrinsically or intrinsically, if the barrier/prop is removed. They are also faced with the problem of finding a suitable work/study venue. As Hirst points out, the opportunities provided through flexibility in attendance, "lay stress on the individual student to provide venue and motivation" ³ (P.21).

Hirst also points out that not all students have a suitable study area, contrasting the possible venues for a retired teacher with that for a works operative with young children and shows that flexibility in mode of attendance could discriminate in favour of those groups who are already educationally and socially advantaged (ibid). Similarly, in industry, it is recognised that "expecting trainees to study at home requires commitment and determination and carries the risks of delayed/slow completion and of drop out." ¹¹ (para 8). Many adults for whom open learning is the only entry to higher education have faced difficulties with conventional

education; they have been drop-outs, rebels, losers, whom conventional education has failed.

They need the choice but they must also have the support they desperately need. Again it is Hirst who says that, "Group support may be particularly important to less confident or less competent students. Indeed the educationally inexperienced learners that open learning rhetoric claims to serve may be the last to recognise the need for support as evidenced by students dropping out before attending voluntary tutorials." (op cit P.21)

The latest element to be added is that of "active learning". How is this defined? According to Webberley, open learning " demands active participation by the learner" ¹¹ (para 1). For Lewis, an Open Learning system ... "incorporates the widest range of teaching strategies, in particular those using independent and individualised learning" ⁹ (P.5) and the philosophy underlying open learning is the "development of individual independence in learning" ¹² (P.83) Lewis used the opposite of open - "closed" - to help define open learning. Using this analogy, the opposite of "active" learning, would be "passive" learning - where the learner makes a choice between ice-cream or pavlova and is then spoon-fed with that choice. In passive learning, the learner might have no say in the course aims and objectives, the teaching and assessment methods or the presentation techniques, merely a choice from what is presented, no chance to ask for fresh fruit or the cheeseboard. If learners are to be active, they must have some input to the course. As Bentley puts it, "giving people the opportunity to choose what they learn and how they learn is not a luxury it is a basic necessity ..." ¹³. And Carr, in a conference report on student support in distance education and open learning judged that the overall tone of the meeting showed a gain in emphasis for learner empowerment, where the term "independence", for many speakers, "involved a positive commitment to promoting

learner autonomy, giving students some degree of choice ... in what they learn, how they learn and how they are assessed".¹⁴

The underlying phrases here are "active participation", and "independent and individualised learning". Both "active learning" and "passive learning" include the important element of choice, however, "active learning" needs informed learner input, while "passive learning" presents a lottery of choices. For a learner to participate actively, to be independent of a "teacher" (not a "supporter") and to be able to choose which learning choices will best suit their individual needs, requires informed input to the process. So this is the third element, informed learner input.

This is supported by Webberley in an article on the OPTIS materials - "the street-credible nature of the OPTIS materials led to considerably greater market success than might otherwise

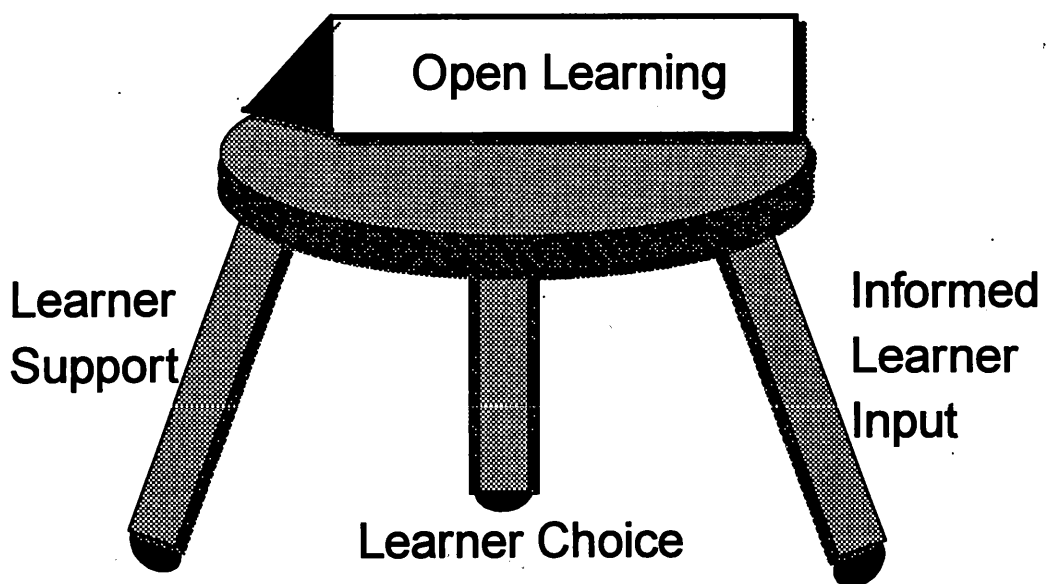


Fig. 9: The three supports for Open Learning

have been the case. As the product was **designed by the market place**, it could reasonably be expected to do well in it" ² (P.145)

These three elements; learner choice, learner support and informed learner input are all needed to support the structure of open learning, and open learning could be pictured almost as a three-legged stool, held up by these supports, (see Figure 9). Without choice, there can be no open learning, it is the first and fundamental element of open learning. Support for the learner is the second element, or leg. Choice sweeps away barriers. Where these barriers have also been props, other forms of support must also be provided. And if the materials are to be "street credible", whether to delinquents, single parents, professionals or any other groups, there must be informed learner input.

So far, all the articles quoted have been by open learning enthusiasts, rather than its detractors, not for lack of looking but perhaps because, as Ruddock (1985), quoted by Blum and Braude points out "systematic evaluations undertaken so far in the field of adult education have not been numerous [and have] concerned mainly literacy and health education seldom vocational or professional training" ¹⁵ (P.336). Blum and Braude go on to argue that "more systematic studies of the impact of professional courses on the later performance of course participants are needed". (ibid P. 337). In this, little seems to have changed in the field of evaluation of training. At a conference "Measuring and Managing Effective Training and Development" held 10/11 May 1993, Christopher Rowe of British Aerospace (Defence) Ltd, said "benefits from training are not easily measured in quantitative terms" and, "It is also important to remember that most benefits cannot be measured immediately: they take some time to 'come through'" ¹⁶

Is it then true that "management training and development are an act of faith", as Roy Prescott, Lakeside Training and Development Ltd quoted of a manager of his at the same conference? or even, as Easterby-Smith says, "...., it is questioned by a number of authorities (MacDonald-Ross, 1973) whether there is any particular value in specifying formal objectives at all, since among other things, this might place undue restrictions on the learning that could be achieved from a particular educational or training experience." ⁸ (pp 35-36) Easterby-Smith also says "it must be recognised that [an emphasis on outcomes] represents a mechanised view of learning. In an extreme form it assumes that learning consists of placing facts and knowledge into people's heads in the hope that learning will become internalised it makes little sense with some of the more complex and experiential forms of learning." (ibid)..

As with any complex form of learning, open learning can be difficult to evaluate, however, there have been some studies, and, as with any form of education or training, there can be problems with open learning, though not all sound as insurmountable as McNay's view that "Open Learning, at the extreme, can be disruptive and revolutionary"¹⁸ (P.12). The problems seem to come in 3 main areas; students, staff and the materials themselves.

As far as students are concerned, the drop-out, or non-completion rate is "usually horrendous (over 50%)", according to Daniel and Marquis (1979) in systems which concentrate on "freedom and autonomy of the individual student [and with] no external constraints" ⁴ (Pp. 18-19). Although Holmberg counters this by pointing out that "Completion rates indicate degrees of success only in the cases where students concerned aim at course completion.... rather than ... acquisition of knowledge ... per se" (ibid). Some of the reasons behind the high drop-out rate from flexi study enrolments (one of the means of providing choice on when,

where and at what pace to study) are thought to reflect that "students are enrolling with unrealistic expectations of the time and support necessary to pursue open learning opportunities," ³ (P.21), while Northedge attributes the difficulties to the culture shock suffered by adults returning to study, who are "in effect, travellers entering a foreign culture with its own language and customs and the dislocation of personal identity to which newcomers are always exposed." ⁴ (P.51). Butler (1981), quoted in Hirst, claims that "local community centres using traditional teaching methods and supports can create learning opportunities in similar quantity and greater quality to those provided by open learning systems using flexible modes of attendance and correspondence techniques" (op cit P.21).

As well as problems for students, there can be difficulties with acceptance by the staff who will be expected to use or present open learning. Blackburn and Smith found that " there is often a reaction from the staff of the institution which is contemplating using the materials known as the 'not invented here syndrome'. This can be a powerful reaction amongst staff as they can interpret it both as a threat to their job and their level of personal teaching responsibility".

(P.45) Blackburn and Smith recommended an emphasis on local generation or modification of training packs to overcome this. This is matched in industry, as Webberley found, with "some opposition or resistance reported from line and senior managers to [open learning which] seemed to reflect suspicion about effectiveness and releasing staff for training," and also with resistance from face to face trainers ¹¹ (para 4.16)

Finally, problems with the materials can also be found. "In open learning systems the learning material is the primary means of instruction" ⁴ (P.24) and in open learning, "Lewis and Paine (1985) argue that 'equivalents have to be found' to the ways in which a good teacher

'arouses interest; makes objectives clear; structures the content; gives practice and feedback on practice; attends to the difficult and unfamiliar; and establishes two-way communication'" for Goodman and Garrard, however "there is a tendency for much open learning material to be information-oriented and for many open learning courses to fail to adequately develop skills."²⁰(P.27).

A problem for the producers of open learning materials may be that of knowing who their "client" is. Where the open learning favours the "humanistic" parent, the client (purchaser) may also be the learner, and "humanistic education philosophies suggest educational practices should be sensitive and responsive to the learner"³ (P.20). Where open learning favours the "industrial" parent, the client (purchaser) may be top management in an organisation, the learners may have the open learning programme thrust upon them and "this may lead to provision of learning situations which reflect the interests and degree of flexibility convenient to the manager or financier of the learning opportunity" (ibid). This may reflect Brookfield's distinction between a "felt need" and a "prescribed need". "Felt needs are those which are perceived and expressed by the learners themselves - the need to learn to drive, to be more informed about politics". The prescribed need however, is external to the learner, it occurs "whenever an educator or any external agency decides that adults are in a state of inadequacy, deficiency or inferiority when compared to states which the external educator decides are preferable"²¹

Producers of open learning material may need to take account of the client/learner interface in producing their materials, and, where these are different, or even where they are the same, consider the point that the learners in an "industrial" situation may be having someone else's

value judgement of their training needs made for them. And as Paine says, "Open learning is no panacea compensating for a wrongly identified training need" ²²(P.329). Brookfield's opinion is that "It is this kind of needs assessment which characterises adult education of the community" ²¹ (Pp. 128-129).

This can be a difficulty for educators trying to provide open learning packages in accordance with course objectives, for instance, Lisewski writes, "Allied to this is the cultural quandary of managing the problem of the difference between what the students say they want, for example 'we want lectures', and what students need to be adequately prepared for the rapidly changing employment world which graduates have to face. Passive learning programmes will not adequately prepare them for this increasingly dynamic environment." ²³ The difficulty is, that producers see a "need", which their materials can fulfil, the "need" is catered for in the course objectives but the "customers", in this case, the students, feel uncomfortable or even, "short-changed" by the change in teaching method. From personal experience this kind of prescription can engender resistance to learning.

The point has already been underlined by Webberley in the article on the OPTIS materials, already quoted, "as the product was designed by the market place", [rather than imposed on it] "it could reasonably be expected to do well in it" ¹¹ (P.145) and he goes on to say that "it has been argued that active involvement of the client group in the production process needs to be the rule rather than the exception" (ibid, P.146).

So far, this chapter has considered various definitions of open learning and found that there is no universally agreed definition; has considered the antecedents of open learning and found

that there are two distinct strands: the "industrial" component and the "humanistic" component, and has attempted to build up a composite "picture" of open learning from many sources. This seems to show open learning as having three supports; learner choice, learner support and informed learner input. Finally, there has been a consideration of some of the problems or difficulties raised on open learning.

There does, however, appear to be a problem here. Most of the definitions of open learning, and those used to build the composite picture have fallen into the "humanistic" category. While the "industrial" strand is mentioned, and is considered to be concerned with throughput of numbers; rapid, flexible, cost effective training; the maintenance of a skilled workforce, economic competitiveness; or as learning situations which are influenced by economic and political considerations, (all of these items have been taken from Page 51 of this chapter), there have not appeared to be any open learning definitions, whether universally agreed or not, which have covered the "industrial" component and yet, the selling points to industry are all those areas just mentioned. Lisewski, mentions that ".... the outbreak of HE senior management adoption of open learning approaches has tended to be *based on the premise that they will deliver valuable resource savings* (my italics). It is not necessarily the case that open learning *per se* will guarantee more cost effective provision, especially in the early stages of open learning initiatives." (op cit).

Hirst, weighing the dual and sometimes contradictory aims of the two strands of open learning, came down in favour of the "industrial parent". For, as she points out, "... all things are not normally equal," and so it is likely that "political, economic and social factors - rather than

rhetoric - will determine in whose best interests ... open learning will continue to prosper ..."

(op cit). Field would appear to agree with this, writing that "Providers very sensibly put the paymaster first; this is rarely the individual learner".²⁴, but Lisewski councils caution towards this approach, warning against seeing the open learning option, "as an easy 'pile em high, teach em cheap' panacea". (op cit)

It would appear then, that open learning may be sold to clients (paying organisations) on the "industrial" benefits and to customers (those at whom the course is aimed) on the "humanistic" components. This debate is also mentioned by Lisewski, quoting the National Council for Educational Technology 'Within open learning there is a lively debate between those who take a pragmatic view, and see open learning as a cost-effective means of providing education and training through the use of learning packages; and those whose philosophy of learning is based on concepts of learner autonomy and individualised learning methods.' (op cit).

Field also mentions this point in his article on Open Learning and the Consumer culture, although not as a debate or point of contention. While his article concentrates mainly on the "humanistic" strand and the individual purchaser or consumer, he covers the point that the term Open Learning has two meanings: it is "both an educational philosophy and a set of techniques for delivering knowledge and skills." He then goes on to cover the dual nature of open learning, pointing out that its philosophy implies "greater accessibility, flexibility and student-centredness [and] placing learner rather than provider at the core of educational practice." while he sees the set of techniques as "characterised by the use of resource-based teaching and training, often associated with the use of new communications media." (op cit)

Field then, seems to see the open learning in the "philosophy" sense as, "placing learner rather than provider at the core of educational practice", while open learning in the "techniques" sense, he presumably sees as putting "the paymaster first; this is rarely the individual learner". Field goes on to quote Edwards, for whom "both senses of open learning have been 'appropriated and narrowed by government and employers for the new vocationalism' (1993, p.180). For Edwards, the techniques are adopted largely for cost reasons, the philosophy to legitimate the growth of post-Fordism in the production of educational materials". (op cit).

Is there any way of reconciling these two views? Can the "industrial" strand "put the paymaster first", while at the same time adhering to a philosophy that is student-centred? Taking Kliebard's metaphors of production and growth, described on page 17, where the student is seen either as raw material, moulded by a technician (production) or as being helped to grow to full potential, tended by a wise and patient gardener (growth), it might seem that the two views are incompatible.

Reconciling the two views may however, be possible by revisiting Lewis' article "What is open learning?". Lewis extracts a number of points about open learning from various definitions:

- "open learning is learner-centred, rather than institution-centred;
- open learning implies the use of a wide range of teaching/learning strategies;
- open learning is about removing restrictions ('barriers') to learning," ,

and quotes the "oft-repeated Open Tech slogan: 'Open learning enables people to learn at a time, place and pace which suits them best' ".

He then goes on to say that "At the same time, costs of training have been reduced for some employers, who can, by using open learning methods, train more people than before for the same cost and at greater convenience." And in a later paragraph, he points out that "Open learning is generally defined as learner-centred. Most people agree on that, though in many vocational 'open-learning' schemes the employer's convenience is considered every bit as much as the learner's."

So far, the two seemingly incompatible views have been propounded, so how does Lewis overcome this point? His article goes on to stress two points: "First, openness is giving the learner choice in one or more aspects of the training/learning process. Second, openness is a relative concept: you give *more* or *less* choice. Put these together and you reach the conclusion that open learning schemes are never open on *all* aspects, and when they are open they are rarely *totally* open." He restates this a little later as, "In a completely open system, learners can learn whatever they wish, for whatever reasons, wherever they choose, however they choose. But schemes are never totally open in all these ways." In his Table 2, the open-closed learning continuum, he poses a number of basic questions, such as Why am I learning?; What am I learning? etc and gives a number of examples of "closed" and "open" answers to these. At the "closed" end of the continuum, the answer to the question, "Why the learner learns," may well be that the "Choice [has been] made by others, eg tutor, employer." Part of Lewis' open-closed learning continuum is reproduced below:

Basic Question	Aspects	
	Closed	Open
Who?	Scheme open to select groups only	Scheme open to all
Why?	Choice made by others, eg tutor, employer	Learner choice
Where?	One place only (eg at work)	Learner chooses place (eg home, work, while travelling)

Table 1: Lewis' open-closed learning continuum (extracted from Table 2, "Open Learning", June 1986)

Lewis ends his article by saying "The phrase 'open learning' is regrettable in that it has an 'all or nothing' ring to it, and in its implication that all existing provision is closed. In fact, many traditional classes have some open characteristics, for example:

- ♦ learners may be given a choice of subject or topic;
- ♦ learners may work for some of the time at their own pace;
- ♦ text books and other materials may be carefully selected and adapted;
- ♦ individuals may choose from a range of learning methods and ways of being assessed."

(op cit Pp. 5-10)

It seems then, that the two views, that of the "industrial" strand, emphasising throughput, cost-effectiveness and the "humanist" strand, emphasising learner-centredness are not mutually exclusive or incompatible if open learning is viewed as a continuum rather than an 'all or nothing' entity. For, as Lewis says, "openness is a relative concept: you give *more* or *less* choice". (ibid) The "industrial" and the "humanistic" aspects are not incompatible if viewed as opposite ends of Lewis' continuum (perhaps replacing the terms "closed" and "open"?). The continuum moves back and forth between the opposite ends, more open ("humanistic") in these

aspects of a particular course, and more closed ("industrial?") in other aspects. This really goes back both to Everiss' comment at the start of the chapter, where he saw the two components of open learning as "education" and "training" and considered that open learning avoided their separation, often seen in conventional courses (op cit) and also to Hirst's view where she asks how the dual and sometimes contradictory aims of open learning should be balanced, and uses the metaphor of a scale. Again, open learning can in this sense be viewed as a scale, with the "industrial" component on one scale pan and the "humanist" component on the other. A set of scales is of no use where one scale pan is missing - both are needed for proper working. This



takes the argument back then to Lewis, who ends his article with, "Teachers or tutors anywhere can open up one or more aspects of their work by an intelligent redirection of existing resources reviewing what they do now, using Table 2 and extending the choices they offer to their students." (op cit)

To leave the nature of open learning and return to industry and higher education, mentioned at the start of the chapter as the two main areas for open learning - can the three (humanist) open learning elements of: learner choice, learner support and informed learner input be applied to both of these? The Open University is "by far the most cost-effective degree awarding institution in the UK" (McNay, 1986) (op cit) and its courses give learners choice, (courses available in many disciplines), support (tutors guide learners face-to-face, or are available for telephone support, computer marked assignments to give feedback) and a means of informed learner input, (guidance can be given on course choice, learners must interact with the materials, do experiments, discuss points. They may also be asked to comment on pilot

courses, to fill in questionnaires on future directions and have a newsletter where open comment is invited). Further Education colleges may offer flexible learning with many of the elements introduced by the Open University and the Open College offers many Open courses to business, with a tutorial option as part of the support system.

These institutions seem to offer all three of the elements, however, as Lewis has said, "Open learning schemes are never open on *all* aspects and when they are open they are rarely *totally* open." Not all courses can be taken at any of these institutions, including the Open University; learner choice does not extend to unlimited choice on start and finish dates, or assessment choices, not all students can take advantage of tutorials, whether from disability, geography or time problems. In the main, these aspects of openness could be solved only at huge costs - the "industrial element" has restricted the amount of openness that the "humanist" element could provide. In industry too, financial or other "industrial" considerations may limit the extent of the openness available in open learning packages.

Whether open learning can ever justifiably claim the universal coverage mentioned at the start of this chapter may never be fully determined, however, the boundaries within which open learning currently operates are being expanded daily, from financial training using cbt (computer based training) in Abbey National, to management training in the newspaper business, to quality control training at Landrover, to retraining at craft and technician levels in an electronics manufacturer - these examples all come from the (unpublished) Relative Costs of Open Learning Report (op cit para 1.14). More recent examples come from the June 1992 volume of "Open Learning" journal which carries articles on teaching and learning by video-conferencing at the University of Ulster ²⁵ (P.14); Brunel University's PGCE course in

physics, an initial teacher training course, (op cit P. 48); and the Wye distance teaching programmes on agricultural development for professionals working in Third World Agriculture (op cit, P.54). And what seemed too great a problem for the Open University 20 years ago (language education) is now, with greater experience and confidence to be tackled, with the OU centre for modern languages already established ²⁶ (P.57). And if the boundaries continue to be pushed back, then we are able, more confidently, to agree with the eulogised definition. Defining open learning as "Choices for active learners in supported learning" still does not prove whether it will improve the training within an organisation, but growing evidence for the benefits of open learning, together with Lewis' encouragement to "open up" aspects of the work, means it is well worth investigating as a means of training.

Application to thesis areas of discussion

Offering "choice", or removing barriers, for example, ease of access, such as that offered by the Open University (OU) to those previously unable to partake of advanced study, or making learning more congenial, seems to have been the main area of openness emphasised by institutions involved with open learning and choice seems often to have been linked with choice of media - offering learning through videos, computer-based-training (cbt), audio-cassette, text, etc. Much less has been written, in the training press, about the other supports for open learning - learner support and informed learner input. This thesis describes a situation where a course is made more open by providing more learner support, rather than more choice and where the "medium" of learning remains the same.

Later in this thesis, informed learner input is argued as being difficult to achieve for beginners in a complex area of study. Providing "choice" was difficult for the primary legislation course itself, as those learners who were asked for their views, were almost unanimous in wanting to keep the main provision as a course. However, total provision in the legislation area was increased and with this extra choice available, the question, "Is the total provision more open?" could be pursued. Lewis's Table 2, part of which is reproduced in this chapter as Table 1, is adapted to show, not the openness of an individual course, but a means of considering whether total provision in the legislation area is more, less, or equally open. This question is discussed in the final chapter.

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Chapter 5

A Concern For Effectiveness

Abstract

The title of this thesis includes the words "An investigation of the contribution of open learning to the *Effectiveness* of training". This chapter considers the meaning of the words "Effective" and "Training" and the implications of their meanings for the term the *"Effectiveness of Training"*

Defining "effective"

According to "*The Concise Oxford Dictionary*", the word "effective" is an adjective, defined as "Having an effect" and the word "effect" is defined as "Result, consequence". The suffix "-ness" is added to adjectives (and other words) to form nouns expressing state or condition. "Effectiveness" is thus the state of being "effective". The word "effective" could therefore be said to mean "having results" and effective training, could be said to be "training that has results", but *what* results - how much, how many, what kind? And does this definition actually help us understand the meaning of the word "effective"?

The word "effective" seems to be a difficult one to define. There may be many reasons why this is so. As far as "effectiveness" is concerned, it might seem almost as if, once it is used or mentioned, that there seems to be no need to define it - its meaning is assumed to be known to all readers. Brookfield uses Wiltshire's term, "a premature ultimate" for this process. "The concept of need, like that of community, is a good example of a premature ultimate (Wiltshire 1973) in that once invoked it assumes a spurious finality preventing further analysis and discussion. "1

Perhaps "effectiveness", as a term, cannot be defined. For Mager (1991), the question of defining a term like "effectiveness" is considered by looking at the similar term, "health". He asks, "What do physicians do when individuals ask "Am I healthy?" How do they determine a state of health? ... What they actually do is to check specifics. They take blood pressure, check eyes and ears, count pulse, check reflexes and kick tires. And from this information about observable things they make statements about an abstract state - health. If the observable indicators show positive, physicians are willing to say that a person is healthy; that is they are willing to generalise from the specific. But they don't ever check health directly. Health doesn't exist as a thing that can be probed, poked or weighed. It is an abstract idea, the condition of which is inferred from visible specifics." ² (p. 11)

Hospers, on the other hand, in a text on philosophy, asks why it can be "difficult to define a word"? He suggests that there is a "pervasive feature of language called *vagueness*"; that the term "vague" is the opposite of the term "precise" and that "there are various ways in which words can fail to be precise".

One reason for vagueness, he says, is that "there is *no precise cutoff point* between the applicability and non-applicability of the word", and uses as an example, the difficulty of finding a boundary line between the terms "fast" and "slow"; that in some circumstances a certain speed is "fast" and in others it is "slow"; that there is no one point where a speed passes from one to the other, instead there is an "area of indeterminacy", in which one cannot say

whether a speed is fast or slow. He also points out that the application of the word also depends on the context: "a speed that is fast for a bicycle is slow for an automobile".

Another reason for vagueness, he suggests, is that "there may be multiple criteria for the use of the word." He is not, here, talking about words with many different meanings, or senses, "a word may have many senses and yet each sense may have a precise criterion for its application; this is not vagueness". Nor does he mean that "for a word to be applicable, a multiplicity of conditions must be fulfilled, as in the case of "triangle". Several conditions have to be fulfilled in order for something to be a triangle, and yet this word is not vague. What we mean here is that there is *not any one definite set of conditions* governing the application of the word. The word lacks precision because there is no set of conditions (as there is in the case of "triangle") to enable us to decide exactly when the word is to be used. There is no set of conditions each of which is necessary and which are together sufficient, for the application of the word to the world." Hospers considers the word "neurotic" and asks if there is any definite number of characteristics which defines the word, listing several and then going on to say, "None of these things is defining of being neurotic; he could do without one or more - even most - of them and be neurotic in spite of it. But is there a definite set of characteristics to choose from? Who could make such a list ..." and goes on to ask if it would ever be complete?

As Hospers says, "We begin to see now the multiplicity of respects in which a word can be vague. [definitions] point out *instances* of the application of a word, but no amount of ... definition will tell us what the exact boundary lines are, particularly when the vagueness occurs in many directions at once."¹⁸ (Pp.67-76)

After this very philosophical discussion, it may seem that there is no point in defining the word "effective"; that if it is a "vague" term, according to Hospers' definitions, then defining it is too difficult. However, as Williams points out, "There has to be a difference between what things are like if it [a particular claim] is true and what things are like if it isn't. If there is really no difference between what things are like if a certain claim is true, and what they are like if it is not true, we can say that that claim has no content at all."⁴

It is therefore necessary to define effectiveness. It may not, according to Hospers, be possible to define it in a global sense, that is, define it so that the definition can be used in all circumstances, but, as Hospers also says, "the application of the word also depends on the context", so it will be necessary to define the word "effectiveness" in the context of this thesis, and to consider the implications it holds for assessing the effectiveness of training.

Before looking at the meaning of the word "effective", it may be useful to consider the other word which often seems to be used in conjunction with it - "efficiency". (Government often uses the term "the three Es"; Efficiency, Effectiveness and Economy and often, "efficient" and "effective", seem almost to be used as synonyms. The Little Oxford Dictionary, for instance, defines *efficient* as: "producing desired result" and *effective* as "having effect". The word *effect* is defined as "result", so that both efficient and effective have almost the same definition in the common sense). So, what is efficiency? There are many definitions:

- ♦ - doing things right. (this is a term used in training for objective setting, probably from Reddin)



If a hammer is the only tool you have - then every problem looks like a nail!

- ♦ - providing the same service with less outlay or resources (cost savings).⁵
- ♦ - productive with minimum waste of effort; competent, capable; producing desired result.⁶

What exactly do they mean?

Think, for instance, about a DIY tool. A tool is efficient - it does one job right. For an example of this, consider a hammer. Conventional hammers, the ones seen as part of a DIY (Do-it-Yourself) kit, or in TV plays, are designed to transfer a force from the user to some material, for example, to force nails into wood with the greatest accuracy and the least expenditure of energy on the part of the tool user. I would suggest that this is efficiency - doing a job correctly, in the fastest, safest, most economical way. There are many different kinds of hammer, ranging from the Pin hammer, used to hammer very small, fine nails (panel pins) into soft wood, to probably the biggest hammer - the Sledge hammer, which has a hefty metal head, with a very long handle, and is designed for heavy work, such as demolition, driving posts into the ground, breaking concrete or knocking down walls. Each hammer has a similar shape to the others - they are all recognisably "hammers". Once you have seen one of these tools and had it named as a "hammer", there is unlikely to be any difficulty in naming the other similar tools as "hammers". Each hammer does the job for which it was designed and does it well, provided it is maintained efficiently. But try to use the Pin hammer for demolition, or the Sledge hammer for knocking in panel pins and there may well be a problem. Just like using a sledge hammer to

crack a nut, the tool is working in the way for which it was designed but it is not doing the job which is being demanded of it. The tool, provided it is maintained and used correctly, is and continues to be an efficient tool but the JOB is not being done efficiently.

The same can be said of each tool in the workshop. A hammer is an efficient way of hitting something. A saw is an efficient way of cutting materials and a screwdriver is an efficient way of turning a threaded object. Each tool is efficient provided it is maintained and used for the job for which it was designed. Use a tool for a job for which it was not designed; or in the wrong way; or fail to maintain it, and the job to be done is unlikely to be accomplished efficiently.

Each tool works best in the area and on the materials for which it was designed. Using the wrong tool for the job does not mean that the tool is inefficient, only that the job is not being accomplished efficiently. It is for the tool *user* (the person) to decide which tool to use in which circumstances in order to accomplish the desired output efficiently. If the job is very large, some other way of accomplishing it efficiently may need to be found, a machine, or more carpenters perhaps.

This analogy can be related to organisations and according to Comerford and Callaghan, "Efficiency, is the amount of output per unit of input and relates more to the nature of internal operations. It is not specifically related to goals. An efficient organization is one that does whatever it does with the minimum consumption of resources." ⁷

What, then, is the difference with effectiveness? Drucker tells us that, "even the most efficient business cannot survive ... if it is efficient in doing the wrong things, that is, if it lacks effectiveness. No amount of efficiency would have enabled the maker of buggy whips to survive." ⁸ (P.44)

How does this affect the tool user? If there is a difference between efficiency and effectiveness, it suggests that a carpenter could use a tool efficiently without being effective. To see how this could be so, consider a number of cases:-

- the job was unnecessary - it did not need to be done,
- the wrong tool was used - the tool itself remains efficient and the carpenter may be working efficiently, but the *job* cannot be accomplished correctly,
- the wrong job was done, buggy whips produced instead of accelerator pedals.

In each of these cases, no matter how efficient the tool, no matter how hard-working the carpenter, - the job may have been done efficiently - but not effectively.

Each tool in the workshop is designed to suit a particular size and nature of territory - to be efficient at a certain job. It is up to the *user* of the tool to find the most efficient tool for a particular job and the choice will depend on the size and nature of the job to be done. If two pieces of wood are to be joined together, one carpenter may use a hammer and nails, another may use screws and a screwdriver. The choice depends on many factors, however it is the *outcome* which is most important. If two pieces of wood are to be joined together, it is the way that the carpenter answers this question - nails or screws - which decides whether that

carpenter and that job are effective or not. In addition, it seems from this example that a "tool", if doing the job for which it was designed, can only be efficient. A "tool" cannot be inefficient, it can only be *used* inefficiently, while a person can be both efficient/inefficient, that is doing the job efficiently or inefficiently.

Each job is new, each job is separate. Each time the carpenter makes that choice, it is a free choice based on previous experience and knowledge of the tools and the needs of that particular job. If the need is for a hastily erected, temporary fence made from rough wood, then nails may be the fastest way of providing the necessary fastening, while a permanent door made of finely finished wood may need screws to fasten the pieces together. The carpenter may be working *efficiently*, using an *efficient* tool on the wood - they are only working *effectively* if they have considered what the job requires and are using the best tool to accomplish that job.

Carpenters are not effective workers because they know how and where to nail or use screws, they are effective only when they use that knowledge to make the correct choice of tool for each and every job - not just once - but every time. Efficiency is using a tool correctly, maintaining it ready for use and using it to best effect. Effectiveness is deciding what job has to be done and actually doing that job and only that job. Reddin, speaking of managers, puts it this way, "There is only one realistic and unambiguous definition of managerial effectiveness. Effectiveness is the extent to which a manager achieves the output requirement of his (sic) position. ... It is the manager's job to be effective. It is not so much what the manager does, but what he achieves." ⁹ (P. 3)

As has been shown, people can be effective without being efficient. This is true for companies also, as Comerford and Callaghan put it, "..... Somewhat better off are the firms that do the wrong things right (that is, are efficient but not effective). However, while citing Drucker, Hofer and Schendel note that this is a less advantageous situation than doing the right things wrong (attaining effectiveness without efficiency). Organizations that do the right things wrong will outperform those that do the wrong things right." ¹⁰ (P.204)

It seems from the above that it could be said that, Effectiveness considers, "What should be done?", while efficiency considers "How should it be done?" and from the descriptions, it seems obvious that the "What" should come first, followed by the "How". This has implications for assessing the effectiveness of training, both generally and in the specific instance of Northern Ireland legislation training.

For Training Development Division of the Cabinet Office, "The basic requirement for the effectiveness of any training activity or event is an agreement between the principal parties as to what the required outcomes are."¹¹ and for Woodward, at a Conference (1993) on Evaluating the Effectiveness of training, "...in the world of training, if you can't set meaningful objectives, you can't measure the effectiveness of the programme." ¹²

The outcomes, or objectives to be measured then, are the expected results which will have been determined as a need before any training event. This still leaves the problem of defining the need, determining the expected outcomes and choosing the measures.

The difficulty with this is illustrated by Reddin (1970) who describes the trait approach to describing an effective manager. "For centuries effective managers have been described and

sometimes measured in terms of a list of personal qualities or traits that all effective managers are thought to possess. Traits such as judgement, integrity and energy appeared often on such lists. The appeal of this approach is that it is easy to understand, appears sensible and is widely used. ...

The weaknesses of the trait approach are that there is no agreement on the best traits that fit all situations, that there is no evidence that one group of traits predict effectiveness generally and that there are over a thousand traits to deal with. It seems likely ... that .. sets of traits will become useful ... for particular managerial situations." (op cit P. 20).

It seems then, that if we turn to legislation, an effective legislator could have many of Reddin's "traits", that some are needed in one situation, others, at another time. Perhaps we need to turn this point around and, instead of asking, "What constitutes an effective legislator?", ask instead, "What does a legislator need to do to be effective?". This is much more of a competency approach, asking what a person needs to do, in a particular situation, rather than asking what they must be. As McDonald says, "Thus a competency approach can become an empirical data-based methodology which goes well beyond theorising. Evaluation is based on what is known to contribute to effective performance rather than gut feel and generalities." ¹³

To return to the workshop analogy, we could ask "What is an effective carpenter?" and draw up lists of criteria or traits that define an effective carpenter, So what is an effective carpenter? One who can use the correct tool for the size and nature of the territory and get a job completed? But what does "completed" mean? Who decides if the job is completed? And what criteria or standards are used? The term "effective" here can be very subjective.

There is little point in deciding after a training event, for instance, that the job is "complete" or "incomplete". How "complete" or "incomplete" was it before the event? Did the training even need to be done or is the final result a minor miracle?

If, instead, we use the competency approach, to training we would ask firstly, how well people can do a particular job and how well it needs to be done. If the two measures are the same, there is no training need. If there is a training need, we then decide on the appropriate way to meet it. The output measure then is NOT how much effort was applied to the training or how "effective" was the trainer who did the job, (these are both "efficiency" measures) but whether the people now meet the work standard set at the initial assessment.

Effective training then, asks three questions before ever starting training.

- ♦ First of all, is there a need at all? No matter how efficient the training, if the trainee can already do that particular job, then the training is not effective;
- ♦ secondly, what training is actually needed? Providing the wrong training (in Subordinate Legislation, for instance, for someone working on Primary Legislation), is not effective;
- ♦ finally, what tool should be used? A long, experiential course for someone who learns best from books, or, for a small training need is not effective.

Having considered how "effectiveness" could be defined, perhaps it is now time to look at what has already been said about effective training. Some quotes on effective training come from; *The OMCS report on the Validation and Evaluation of training: A review of best*

practice which says "Effective Training starts with the identification of an organisational or individual need." ¹⁴ (para 15), the document then goes on to say that "the *need* (my italics) for any management or performance change should be clearly established from the outset. And it should be expressed in terms of the results that are expected to be achieved." (ibid para 16) In other words, this seems to say that Effective training starts with a need which should be expressed in terms of expected results. The identification of "expected results" however "is, above all else, the key to effective evaluation" "it is the extent to which they (expected results) are, or are not, achieved that will determine the effectiveness of the training or developmental work" (ibid para 17). For OMCS, then, effective training and effective evaluation, are both tied in to the initial identification of expected results (outcomes).

Another example comes from Rae who says that "Effective training starts with the identification of a need." ¹⁵ (P. 11) and, like the previous work, ties "effectiveness" into satisfying an initial need, - again, outcome orientated.

Many writers, such as Fricker (1988), advise readers to " judge program effectiveness by looking at outcomes", ¹⁶.

"Effectiveness", it has been argued, considers "*What* should be done" and is judged by how well this has been achieved. Writers on "effective training", judge its effectiveness by how well the training met pre-defined outcomes.

Defining "training"

At the start of this chapter, Hospers was quoted as saying that, "the application of the word also depends on the context", (op cit) and as "effectiveness" is now being used in the context of "training" then perhaps the term "training" should be described or defined also.

OMCS are very definite about the definition of training: " - training encompasses any planned activity set up to enable individuals or groups to learn to perform effectively." ¹⁷ (P. 3).

However, for Bramley, writing in *Evaluation of Training. A practical guide* (1986), there is "no generally accepted definition of the word training." ¹⁸ (P. 1) He gives three definitions ranging in time from 1971 to 1976 to 1980, which show a change in the definition from that of an emphasis on the performance of the individual, through an "organisational effectiveness" definition to one where acquisition of skills etc rather than the giving or receiving of training is emphasised.

Bramley takes some central values from these definitions:

1. "Training is intended to contribute to improved job performance and this should be linked to enhanced organisational effectiveness,
2. Training is concerned with the whole person, concepts, skills, attitudes and behaviour patterns,
3. Offering training is not the same as "acquiring" or "learning" something.
4. Work takes place in an organisational context and training must take account of that."

(ibid page 2)

Although training is defined in many ways, it may actually be (in Mager's terms) an abstract term. To return to Mager's earlier point about the question that doctors may be asked by their patients, "Am I healthy?", Mager says that doctors measure a patient's health not directly but by checking certain indicators. Only if these indicators are positive can a doctor say that a patient is "healthy". (op cit) To determine whether training is an abstract term, it may be useful to discuss how training is measured.

If a manager were to ask a training branch, "Are those new recruits trained?", and on receiving an affirmative reply, were to ask the reasonable question, "How do you know that?" the answer should not be given in terms of so many pounds or litres (or even "days") of "training" provided but would have to be in terms of what the new recruits could do (i.e. an output measure). If the manager needs people with keyboard skills, writing ability, numerical skills, and customer care skills for instance, the person would be considered competent if they were able to meet a pre-set standard (with or without extra training). Any training or learning or competency thus cannot be measured directly, only in terms of what the person can do. The condition of being "trained" or "competent" is inferred from visible specifics.

The implications of "effective training"

Both "effectiveness" and "training" have been considered at some length in this chapter. While the term "training" seems to have a number of definitions, defining "effectiveness" was much harder. Both however, would seem definable only in terms of specifics which can be observed about them, rather than directly: and "effectiveness", especially, needs, in the context of training, to be defined in terms of specific outcomes. We need however, to be careful WHICH outcomes to measure. As Mager warns, "Indicators are a common item of our existence. We

use thermometers to measure temperature, speedometers to measure speed ... In each case, we use some sort of device to tell us the state or condition of something we cannot see or measure directly. ... Some behaviours are better indicators (predictors) ... than others and it isn't always easy to tell which is better." (op cit P. 14)

The *effectiveness* of training then, will be determined by whether the training enables trainees to meet outcomes specified before the training starts. Assessing the training, means assessing whether they (*the trainees*) can meet those specified outcomes. Neither effectiveness nor training can be measured directly - the indicators which show whether training has occurred and whether or not it is effective will be the people, the trainees who are to be trained. And the effectiveness or otherwise of the training they receive is measured in terms of their competences before and after training. Trainees are however people, not engines, and courses or other training situations are not mechanical tools, so this does not rule out that trainees may acquire more competences or more learning than what was specified before any training occurs.

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Chapter 6

Evaluation

Abstract/Introduction

This chapter considers what evaluation is; the various definitions and its relationship with effectiveness; whether it should be done at all and if so, what should be evaluated, by whom and how.

Chapter 5 considered the term "effectiveness" and defined it as being determined by whether the training meets outcomes specified before the training starts. Although effectiveness may be determined by whether a piece of training matches pre-determined outcomes, nothing so far in the definitions or arguments defines **how much** difference there must be between the starting point and the desired outcome. Training may be *effective* by filling a small gap but is it worth it? That the training should be filling a "worthwhile" gap may seem implicit in the word "effective" itself. It has connotations of, "valuable", "working well", "doing the job", "doing a good job", all of which can be inferred both from the definition given and from our own everyday usage; which add a "value-judgement" to the term, which is not defined in the dictionary, - that is, whether the outcomes specified were **worth** going for. This is the job of evaluation. For the Office of the Minister of the Civil Service, (always known as OMCS, but now renamed as OPSS, Office of Public Service and Science), ".... the act of evaluating training (or anything else) is simply the act of judging its value. However in the training field, evaluation is traditionally taken to include, not only the judgement of value, but also the collection and analysis of the information on which this judgement is made" ¹.

Having given, briefly, one view on evaluation: - "judging the value of something", it may be worthwhile to consider a number of other questions and views about evaluation, such as, "Why evaluate?", "Who should evaluate?", "Who is it for?", "What should be evaluated", other views on "What is evaluation?", "Evaluation as research", and "How to evaluate".

Why Evaluate?

Why evaluate? There is an argument among "practical" trainers which says, "Why bother evaluating? WE know the training needs done and that we are providing "good" training. If the participants do not like our courses, we will see that from the course assessment sheets and can change. If the managers do not like what we are providing, they will soon let us know, or they will not send any more people on our courses.

OMCS give two reasons for evaluating, "First it can tell you whether you are achieving what you set out to achieve. Second, and equally importantly, it can tell you whether what you set out to achieve was what the organisation actually needed." (op cit). For Rae (1986), an organisation's senior management should have an interest in the evaluation of courses, especially ones where senior managers themselves are involved in being trained. He states that "the senior level of management will want to know whether:

- ♦ -the training is being used in the work situation;
- ♦ -the training is producing sufficient change in organisational efficiency to warrant the continuation of the training expenditure." ² (P. 7)

Herman, Morris and Fitz-Gibbon also give reasons for evaluating. "Well conceived, well-designed and thoughtfully analysed evaluations can provide valuable insights into how programs are operating, the extent to which they are serving their intended beneficiaries, their strengths and weaknesses, their cost-effectiveness and potentially productive directions for the future" ³ (P.11).

A more financially orientated view on evaluation comes from McDonald who points out, in relation to [computer] training that, "A recent survey carried out by KPMG Management Consulting revealed that 320 million of the annual £400 million spent on IT training by UK companies is not properly evaluated.", adding that the report also said that ".... British business must wake up to the fact that training is as central to the business as production or marketing budgets and should be evaluated accordingly." McDonald emphasises that, "Our inability to illustrate the impact of Training and Development on the success of the company has led to little value being placed on Training and Development. It is therefore the first budget to be cut in difficult times. It is seen as a discretionary spend." ⁴

Easterby-Smith considers that, although " the approaches and styles towards evaluation adopted by authors and practitioners are almost as varied as their proponents, there is quite a high degree of consistency about what they consider to be the *primary aim underlying their evaluative activities* (my italics)" He discusses four: proving, improving, learning and controlling. He sees the first aim (proving) as trying to "demonstrate conclusively that something has happened as a result of training or developmental activities, and that this may also be linked to judgements about the value of the activity: whether the right thing was done, whether it was well done, whether it was worth the cost, and so on".

Easterby-Smith sees, 'improving' as implying "an emphasis on trying to ensure that either the current, or future programmes and activities become better than they are at present. The third aim recognises that evaluation cannot with ease be divorced from the processes upon which it concentrates, and therefore that this slight problem might well be turned to advantage by regarding evaluation as an integral part of the learning and development process itself. The fourth aim, controlling, is a very common activity for evaluation and involves using evaluation data to ensure that individual trainers are performing to standard, or that subsidiary training establishments are meeting targets according to some centrally determined plan." ⁵ (Pp.14-15). Easterby-Smith's first two aims, "proving" and "improving" would appear to correspond very closely with descriptions of "summative" and "formative" evaluation. For Herman, Morris and Fitz-Gibbon "summative evaluation", "deals with attainment of goals, objectives [and] outcomes" (op cit P. 14), while for Smith and Brandenburg (1991), "Summative evaluation is the process of determining the value, effectiveness, or efficiency of an instructional program for the purpose of deciding whether or not to use it." ⁶ "Formative evaluation" for Herman, Morris and Fitz-Gibbon, deals with "how the program is operating", (op cit). Formative and Summative evaluation are also discussed further on.

There are, then, a number of reasons put forward for evaluating: to assess the value of the training; to give ideas for future directions; to support the budget for the training department; and to assess the standards of the training.

Who should evaluate?

There is also another consideration for evaluation - that is, WHO should do it. There is much discussion here again, that the people who should evaluate are those who pay for the course -

in civil service terms, these are the managers of those attending courses. The argument runs on the lines that "the managers are "paying" for the course (by releasing staff from work), these managers should realise that they are paying for a service received and that therefore they should be the ones who judge whether the service received matched expectations." The alternative argument put forward to that is that, rather than individual managers evaluating a course, that the relevant training sections, who are "purchasing" the course (from elsewhere) on behalf of the managers should be the ones to evaluate the course.

In both these cases, the argument put forward is that those who provide or run the course should not be the ones who are evaluating the course. Both these comments refer to in-house training situations, but they have also been applied to situations where training has been purchased-in from an outside supplier. OMCS's view on WHO should do the evaluation is that, " effective training depends crucially on top managers, trainers, individuals and line managers working in partnership to achieve results from training. Training effectiveness cannot in practice be "the responsibility of" the training function - or at least not of the training function alone. Nonetheless, the training function has an extremely important part to play in leading the changes that are needed if departments and agencies are to assure themselves that they are investing effectively in the development of their people" (op cit).

Another argument here suggests that some purchasing organisations [and perhaps all should], now expect the training provider to state how evaluation should and will be done, so that they are purchasing, not just the training they have specified, but also the training "provider's" expertise in evaluation.

Who is evaluation done for?

In recent years, it has been acknowledged that people other than the course participants have a legitimate interest in training and development activities. These people have been termed "Stakeholders". They include, as well as the course participants, such people as line managers, top managers, finance departments, the course tutors or providers, and even non-participants, whether they wanted to attend the course or not.

All these people will have views on what any particular item of training and development is meant to "achieve" and their views may not only be completely different but may even be contradictory. All these viewpoints must at least be considered where an evaluation is being done. If the style of evaluation, or the type of outcomes considered are "wrong" for that group of stakeholders, the evaluation may be rejected.

What should be evaluated?

Rae (1986) states that, "It is in this investigatory area of evaluation that least work is done because it is very difficult and time - and resource - consuming." (ibid), and this is still the case. Rowe, (1993) in a conference talk said, "Every training manual gives lip service to evaluation but it is notoriously difficult to carry out effectively." ⁷

When resources are put into preparing an alternative method of training, there is an expectation that the new method will produce more benefits for an organisation than the original method. Finding out whether or not a training event does produce benefits is a legitimate area of

concern both for the organisation and for other training organisations, both internal and external, who can use the results and lessons learned in their own training evaluations.

Rae states that "evaluation starts at the birth of the programme". (op cit P. 11) This means, for him, that it is too late to consider evaluation when an event is running or about to run, so the point at which designing a new course is considered is also the right time to consider **what**, exactly, about it, should be evaluated. On the other hand, others see training and evaluation as an on-going, cyclical process, allowing evaluation to occur at any point on the cycle, thus allowing evaluation to be carried out on on-going courses.

What else is evaluation?

But what exactly is evaluation? According to the MSC (the former Manpower Services Commission, now the Training and Employment Agency [T&EA]), quoted in Rae (1986), evaluation is "The assessment of the total value of a training system, training course or programme in social as well as financial terms. Evaluation differs from validation in that it attempts to measure the overall cost benefit of the course or programme and not just the achievement of its laid down objectives." (op cit P. 3). The 1985 OMCS (office of the Minister for the Civil Service) guidance on training in the Civil Service, says that little evaluation is attempted either in the civil service or in the private sector. Three separate definitions are used for evaluation in this report. They cover the objectives of the training (initial validation); its relevance to the learner's job (external validation) and its value to the organisation (evaluation).⁸ Jenkins, quoting Stufflebeam, adds a further dimension to evaluation, defining educational evaluation as "the process of delineating, obtaining and providing useful information for judging decision alternatives", adding to the definition of evaluation as

"judging value", the reason of, "for making decisions".⁹ Jenkins also mentions Cronbach's three decision categories: evaluation for course improvement (which fits closely with formative evaluation, already mentioned); decisions about individuals; and administrative regulation (which fits with summative evaluation) (op cit).

Hamblin, quoted in Rae, dismissed definitions which suggested differences between validation and evaluation as not always being meaningful. He defined evaluation as "any attempt to obtain information (feedback) on the effects of a training programme and to assess the value of the training in the light of that information", (op cit P. 4). Warr, Bird and Rackham, also quoted in Rae (1986) saw two basic aspects of evaluation, input evaluation, which covered how the training was carried out, and outcome evaluation which includes what OMCS would see as a combination of validation and evaluation and which is concerned with the effectiveness of the training when applied to work. However, Rae himself declares that, "it is of little value even to consider validation or evaluation if the initial groundwork has not been laid in order to determine the extent of the change or training necessary". And goes on to say that "data as quantitative as possible should be determined about:

- what the job requires in terms of knowledge skills and attitudes; and
- what knowledge skills and attitudes are currently possessed by the potential training population." (ibid P. 70)

Others are not quite as concerned as Rae about insisting on quantitative data. Herman, Morris and Fitz-Gibbon say that "program evaluation requires the collection of valid, credible

information about a program in a manner that makes the information potentially valuable". (op cit P.8) and that, "Following assessment, evaluation judgements are reached about how well policy and practice are working. These judgements may be strongly influenced by explicit goals, objectives and standards but they also develop from a wide range of other values too". (op cit P.11)

Herman, Morris and Fitzgibbon see two kinds of evaluation; Formative evaluation which evaluates "how the program is operating" and Summative evaluation, which evaluates the "attainment of goals, objectives and outcomes". (op cit P.14). Formative and Summative evaluation seem to equate to Warr, Bird and Rackham's definition of input and outcome evaluation (above). This could also be thought to relate back to the difference between effectiveness and efficiency, in that effectiveness asks, "Why" something should be done, (Summative evaluation) while efficiency considers "How" it should be done (Formative evaluation).

Easterby-Smith proposes an evaluation framework with five elements: context, administration, inputs, process and outcomes (CAIPO). The first 4 items are fairly self explanatory but the final item, 'outcomes' he considers as complex, with many ways of thinking about it, plumping for Hamblin's (1974) framework "which distinguishes between outcomes at the following levels: reactions, learning, job behaviour, organization, and ultimate value. 'Learning' is further sub-divided into the areas of knowledge, skills and attitudes", as the most useful. (op cit P. 51)

A completely different view on evaluation, which they term "illuminative evaluation", is taken by Parlett and Hamilton. They still view the purpose of evaluation studies as being to "contribute to decision making", (although they comment on the possibility of mixed motives for commissioning evaluations) but for them, illuminative evaluation concentrates on the information-gathering rather than the decision-making component of evaluation. Their approach to evaluation arose from the many difficulties encountered with the traditional forms of evaluation. They perceived traditional evaluation as using the objective, scientific methods applied to agricultural crops, failing in their aims and leading to artificial, restricted studies which provided "little effective input to the decision making process". Parlett and Hamilton's approach, "illuminative evaluation", abandons the measurement of "educational products" in favour of intensive study of the program as a whole, within its context, which they term the "learning milieu". ¹⁰

These are just some sets of definitions of evaluation, among many. Talbot(1992) writes that there is a "lack of clear consensus on what is meant by evaluation or validation." and says that "As Charles notes, 'the evaluation of training means different things to different people' " ¹¹ Talbot suggests the recent emergence of two major approaches to evaluation; the "scientific" approach and the "humanistic" approach: with the scientific approach involving a detached objective approach, "usually based on a theory or model of evaluation" ; and the "humanistic" approach relying more on "subjective involvement of the evaluator, qualitative techniques and methods and a lack of *a priori* assumptions or theories about the evaluation process", describing them (after Evered and Louis) as "inquiry from the outside" and "inquiry from the inside" (ibid). There are obvious parallels here with the discussion in Chapter 3, on the

forebears of open learning; the "industrial" parent and the "humanistic" parent and the Parlett and Hamilton view (above) on traditional evaluation and illuminative evaluation

Talbot describes several evaluation methods, which, he considers, are part of the "scientific" approach, including Kirkpatrick and Hamblin's model for evaluation, which "breaks down assessment into four categories:

1. Reaction: which measures the participant's subjective responses to the training.
2. Learning: which measures the participant's objective levels of behavioural change within the course context.
3. Job behaviour: which measures the consequent level of behavioural change in the job context (ie the degree of learning transfer).
4. Organisational Change: which measure the overall change on the work output as a consequence of the training programme",

pointing out that, "this approach is adopted (and sometimes adapted) by many writers (but not all)." and that the "main adaptation is to insert an extra layer (a new point 4) to measure the outcomes at a departmental level before proceeding to the overall organisational level". Talbot relates the new 5 stage model back to the MSC definitions of evaluation and validity, comparing the various levels to the MSC definitions of internal and external validity and evaluation. However, as he points out, "what is clearly missing from this model is any overall evaluative function". Another model Talbot discusses for evaluation is the "CIRO (context; inputs; reactions; outcomes) developed by Warr et al, which is used by Harrison to adapt the Kirkpatrick/Hamblin model by adding the "context" stage as a first layer, and "inputs" and "outputs" as final layers" (op cit).

Further on in his article, Talbot discusses the humanistic approach, in relation to interpersonal skills training, pointing out that although it "may well be useful to the participants (both trainees and trainers)", and avoids the problems associated with "scientific" approaches in this training area; it neglects the needs of other stakeholders, who may be sponsoring the programme and who "might reasonably expect some harder evidence of the value of the programme which can be interpreted in organizational terms" (op cit).

Talbot concludes his discussion on methods of evaluation by suggesting the use of a variety of methods, from both the "scientific" and the "humanistic" approaches, giving a similar approach to that of the idea of "triangulation", and providing different perspectives on the object of study. He suggests two benefits from this approach: "a more holistic, less one-dimensional view can be obtained; secondly, the degree of congruence in the results obtained by various methods provides a useful cross-check on the reliability and validity of each individual method". Finally, he suggests that,

"the arguments between scientific and humanistic approaches to evaluation can be reduced to one central question - for whom is the evaluation being conducted? Is it to establish the value of a programme to its participants (the receivers) or to the organization (the purchasers) or to the programme deliverers (the providers)? The very real split of the customer into two entities, the recipient and the purchaser, and the introduction of a third set of stakeholders, the providers, establishes an objective basis for differing approaches to evaluation. The scientific approach concentrates on the needs of the purchaser, whilst the humanistic perspective focuses on the recipient (and

to a certain extent, the provider). It can be argued that only an approach which takes account of the needs of all three sets of stakeholders and provides a balanced approach to evaluation will have sufficient credibility and sustainability" (op cit).

Cost effectiveness

Cost effectiveness is often considered to be an integral part of evaluation and the cost of a training programme is included in many definitions of evaluation. The MSC definition of evaluation, quoted above, includes "Evaluation differs from validation in that it attempts to measure the overall cost benefit and not just the achievement of its laid down objectives" (op cit P.3). However, cost effectiveness is not just about costs of training, it is also about the value of the training to the organisation in terms of making the organisation more effective. This is reflected in the OMCS definition of evaluation given above as "its value to the organisation", and Hamblin's definition of evaluation which includes ".... to assess the value of the training...." .

The Coopers and Lybrand report (unpublished) showed that "Open learning can cost substantially less than equivalent conventional training" ¹² (para 8) but also that "companies tend not to evaluate or renew their training in a systematic or quantitative way. They had therefore not defined or measured the various benefits gained from using Open Learning" (op cit para 4.18). This fits well with the OMCS view that little evaluation is done, either in the public or the private sector.

This may be beginning to change however. In an economic climate which is only just beginning to climb out of recession, and with a Government that is also determined to continue

cutting costs of public services, value for money training is becoming even more important.

This was emphasised in an article on Open Learning headed "The Price is Right" . The opening paragraph said, "British Gas says it can reduce training bills by millions. Abbey National says it can cut the price of a course by as much as 75 per cent. And Land Rover says it can train 300 people with one piece of software costing £50" ¹³. The comments all emphasise the bottom line for many companies these days, "What is the contribution to company profitability?".

Although the article majored on costs, it also covered other areas which cannot always be measured in terms of money but which nevertheless can have an effect on company culture.

The article quoted Chris Feetam of Land Rover, "While the financial advantages are undeniable, the value and quality of the training is as important, What is incalculable is the awakening of talent which it brings This creation of a learning culture has had visible effects on staff There is enhanced motivation and a greater willingness to trust the company and to contribute to its well-being".

So, even though costs may be included in a definition of evaluation, they are not the whole picture as far as cost-effectiveness is concerned and, just as little evaluation has been done, so little thought has been given to cost-effectiveness rather than just cost. That this may be changing can be summed up by the final comment in the Personnel Today article attributed to George Stevenson, Managing director of Mathiesons. "He found open learning cheaper than traditional methods but most importantly, he discovered it works" (op cit). This suggests that a distinction should be made between cost-efficiency and cost-effectiveness.

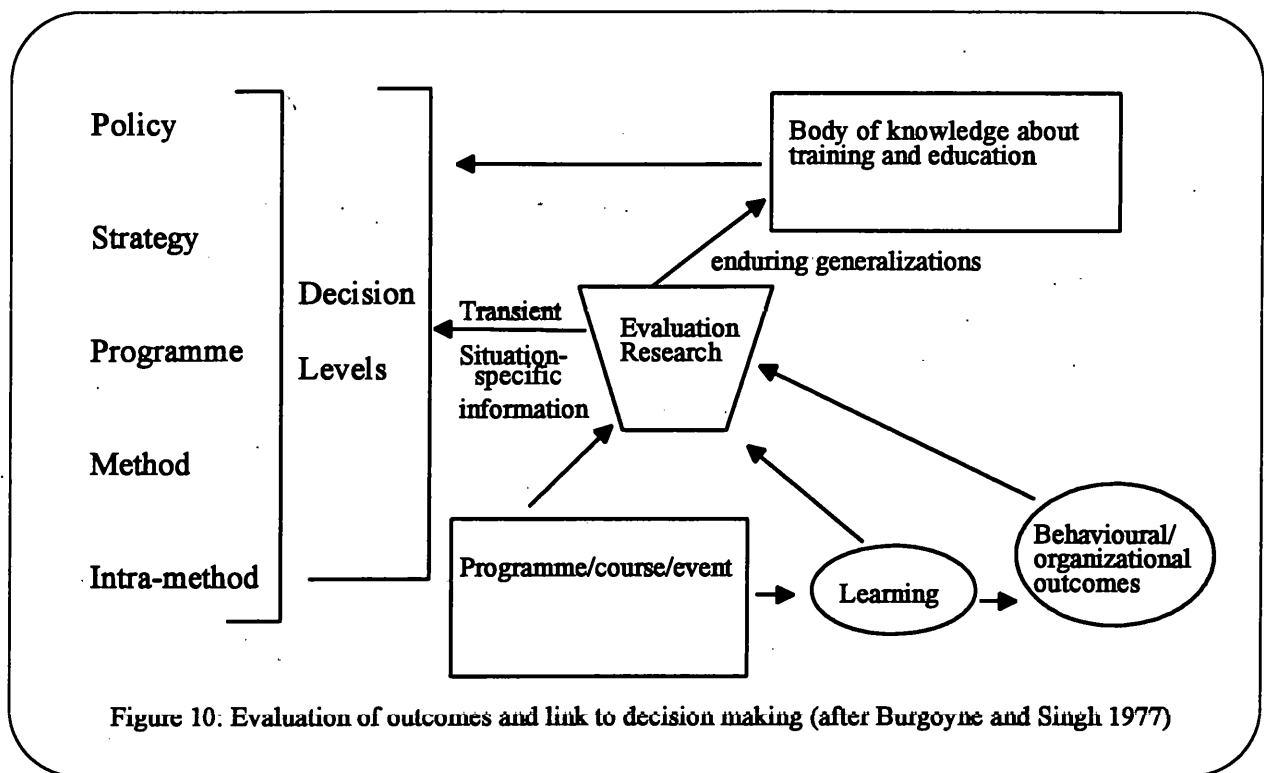
The comments on which this work was based were made by people who had not worked out a cost-benefit for these courses and who were "estimating" or even "guesstimating" the savings

made. As the report itself says, "companies tend not to evaluate" and, as Easterby-Smith points out, ".... as standards of acceptability have risen, successful cost-benefit evaluations have been reported most infrequently" (op cit P. 15-16), going on to say, "Even in the present day there remain few convincing cost-benefit evaluations of management training and opinion remains divided upon whether it is worth attempting" (ibid).

Evaluation as Research

Hage (1972) quoted in Patton, warns that pure evaluation of a program may ignore theoretical issues, "Evaluation research, particularly at the local program level, has been largely non-theoretical - both in conception and in reporting findings," and goes on to say that "Certainly, pure outcomes evaluations are non-theoretical...."¹⁴ (Pp. 39-40).

Easterby-Smith relates that, "The idea of feedback as an important aspect of evaluation was developed further by Burgoyne and Singh (1977) [and that] they distinguished between evaluation as feedback, and evaluation adding to a body of knowledge. The former they saw as providing transient and perishable data relating directly to decision making, and the latter they saw as generating permanent and enduring knowledge about education and training processes" (op cit pp 33-34). Easterby-Smith has provided a diagram illustrating the attempt by the authors, "to relate evaluative feedback to a range of different kinds of decision about training in the broad sense" (see Figure 9) although he himself sees a number of problems and limitations with this 'systems approach', pointing out: firstly that data from evaluations of past happenings can only contribute marginally to decisions for the future; secondly, that an "outcomes" based evaluation represents a mechanistic view of learning, taking no account of



what else might be learned; and, thirdly, that the emphasis on starting with objectives, begs the question, "whose objectives are they?"

Patton himself shows how evaluation research can make a valuable contribution to theory, ".....a grounded theory approach to evaluation research is inductive, pragmatic and highly concrete Grounded evaluation theory would be particularly useful in considerations of whether a program should be replicated in other settings and how such replication might occur. This grounded evaluation theory would be a particularly important product of the evaluation of demonstration programs" (ibid).

How to evaluate

Having said what evaluation is, then how is it carried out? For Easterby-Smith, there have not been many changes in evaluation recently. In his latest book (1994), he points out in the

preface that, "In the ... world of evaluation there have been some developments, although none has been truly revolutionary." He points out that several new books have appeared "which cover the evaluation of training in general, without paying undue attention to the special problems of evaluating management training or to the increasingly important area of management education." Easterby-Smith suggests that evaluation continues to be evaluated using the "old", scientific methods, ignoring political methods, and says that "Recent works such as Phillips (1987), Bramley (1991) and Newby (1992) still draw heavily on 'traditional' approaches to evaluation they concentrate on the technical aspects of evaluation rather than the political elements, they retain the 'systematic' model of training as the starting point of their prescriptions, and they pay scant attention to the enormous changes that have taken place in the practice of management learning during the last few years." . Easterby-Smith continues by saying that "....after an initial flowering of literature around 1970 (such as Hesseling, 1966; Warr, Bird and Rackham, 1970; Hamblin, 1974), very little on the evaluation of training was published in the following years; indeed most of the original books were allowed to go out of print" (ibid).

McDonald evaluates training through measuring behaviour - considering the changes in two areas; "Critical Success Factors - those factors which indicate success within an organisation - the "what" people are expected to achieve and Competence in skills and behaviour - "how" they perform their jobs". She is confident that these two factors are measurable: "Critical success factors are by definition measures of success of a job, department etc. For example, Achieve 90% of ratings in "Good" to "Excellent" range of a customer satisfaction survey.

Competencies. My definition of a competency is the ability to undertake a task or activity to a pre-defined standard. As such they are observable and measurable behaviours".

She believes that a competency approach becomes "an empirical data-based methodology which goes well beyond theorising. Evaluation is based on what is known to contribute to effective performance rather than gut feel and generalities." and by applying the framework "looking at what people achieve and how they achieve it - we can measure the effects of training" (op cit).

However, Talbot is doubtful whether competence-based methods alone will be acceptable and suggests that "Supporters of competence-based approaches claim that by focusing any training or development programme on outputs, as judged by achievements of participants against competence standards, the problem of evaluation is greatly simplified. It is unlikely that competence-based approaches will ever totally supplant other approaches to training and development and there are even doubts over the effectiveness, and especially the feasibility, of this approach as the only way of assessing results." (op cit)

Easterby-Smith agrees that "evaluators should always attempt to examine the value of any particular programme" but emphasises again that evaluation methods must take account of "politics" saying that even if the difficulties of measuring outcomes can be overcome, "it still has to be decided against whose criteria of value such changes might be assessed.", and pointing out that, "notions of what are good and desirable behaviours for managers are not universal "...and are "often articulated primarily to serve the interests and demands of powerful groups within organizations and as such interests and contexts vary and change over time, so do the prevailing notions of effectiveness". This compares with Talbot's views on stakeholders in the training and who the evaluation is done for - the participants (the receivers), the organisation (the purchasers) or the programme deliverers (the providers) (op cit).

Illuminative Evaluation is considered by Parlett and Hamilton to be a general research strategy, rather than a standard methodological package, with three characteristic stages: observation; further inquiry; and the attempt to explain what is happening.

Easterby-Smith however, points out that, where evaluation of the "humanistic" kind (this presumably includes "illuminative evaluation", is carried out that, "this form of evaluation had proved to be more costly than anticipated, but also that an unwarrantedly high proportion of evaluation reports based on this style had during the last few years been rejected by sponsors and other clients". (op cit Pp 29-31). However, there are problems also with evaluation research based on the "scientific" mode of enquiry, in that "it does not work particularly well in practice. There are a number of reasons why this approach to evaluation does not work as well as it might, and although they apply to the evaluation of most forms of education they are particularly problematic with management training where the sample sizes are limited, and where training and development activities are often secondary to the main objectives of the organisation." (op cit Pp. 27-28)

He also expresses the views that writers on the evaluation of management training tend to stress the formative aspects of evaluation, "partly as a reaction to the difficulties of proving anything about the effects of training" and that, "one suspects that but for technical difficulties many authors would have preferred [improving, or formative evaluation] to have been a purpose subsidiary to proving" (op cit Pp.16-18).

Methods and tools

Each form of evaluation has its own methods and tools. The "scientific" approach, according to Parlett and Hamilton (op cit), treats people as though they were crops, planted, weighed and measured, treated in some way and then re-measured and re-weighed. The tools include questionnaires, training needs analysis, objective setting, aptitude tests, learning and behavioural measurements and observations. Proponents will try to find out as much as possible about the background (Easterby-Smith's "context") before attempting evaluation and the evaluation will be used to judge whether and to what extent the initial objectives have been met. This form and these methods of evaluation are the ones most used in a civil service context and these methods, according to Easterby-Smith, are those most likely to produce an "acceptable" report. For Easterby-Smith, this would be a "political" evaluation, done for Talbot's organisation/purchaser. These methods and tools are possibly also "easier" for evaluators to use, understand and interpret.

The "humanistic" approach, especially perhaps, illuminative evaluation, tries not to treat people as though they were inanimate objects or arable crops to which a treatment can be applied and the consequent results then measured. The arguments against the scientific approach are that: there will never be a large enough sample to be able to state categorically that certain results will follow from certain treatment (not even in secondary schools, where pupil numbers can be very large); that people cannot be treated as unable to learn outside the context of the experiment; that inclusion or exclusion alone can affect people, so that results cannot be attributed solely to "treatment"; and that by concentrating on objectives, that unexpected results may be missed. Tools used in this area include interviews, observation and a desire to approach any enquiry without preconceived ideas obtained from prior knowledge of the area to be examined.

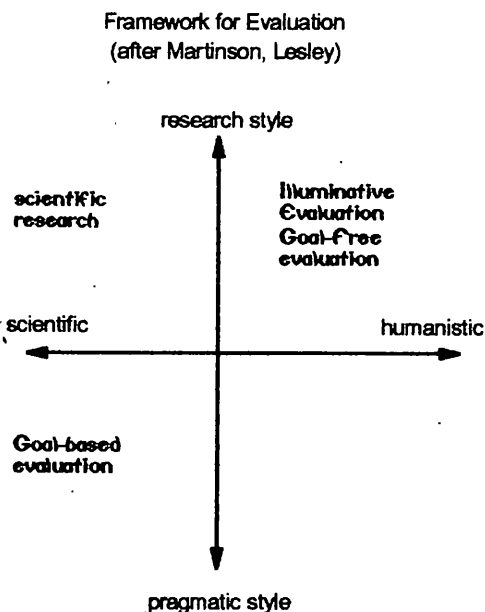


Figure 5. Framework for Evaluation

Lesley Martinson, at a workshop on evaluation (covering work done for her Masters Thesis 1995) set the various methods of evaluation within a framework in which the x-axis shows the scientific-humanistic continuum and the y-axis, the research-pragmatic style continuum. For Martinson, all or most evaluation methods can be placed within one of the four resulting quadrants (see figure 5) and a recent workshop with civil service members showed, informally that most evaluation being done in the (GB) civil service fell into the bottom left-hand quadrant, being of the scientific type done in a pragmatic style, while illuminative evaluation, for instance, was diagonally opposite this, being of the humanistic type, carried out in a research style. This framework provides a useful way of considering the various methodologies in evaluation.¹⁵

Summary

This chapter has considered a number of areas on evaluation – the "Why", "What", "Who" and "How". Evaluation, at its simplest, and in a training context is – judging the value of that training. Many writers have different ideas on how this judgement should be made and what it should be used for. The two main ways of evaluating are the "scientific" approach and the "humanistic" approach, each with its own difficulties in using it. The former seems to be aimed at organisational stakeholders, while the latter is aimed more at the participants and providers. There is an argument which says that both sets of stakeholders should be considered and that information gained by carrying out evaluations that use both approaches can be used for "triangulation", that is information gained from one point of view may well support information obtained using the other approach.

- 1 Evaluating Training: A Manual. Training Development Division, Cabinet Office, Office
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- 2 How to Measure Training Effectiveness. Rae Leslie. Gower 1986.
- 3 Evaluator's Handbook. Herman, Morris, Fitz-Gibbon, Published Sage 1987.
- 4 Measuring and monitoring the Impact of Training and Development on the corporate
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- ¹¹ Evaluation and Validation: A Mixed Approach. Talbot, Colin, in Journal of European Industrial training Vol 16 No 5.
- ¹² Relative Costs of Open Learning. TA, DES, NEDO in association with OU, Coopers and Lybrand (unpublished).
- ¹³ The Price is Right, in "Personnel Today", 20 November 1990.
- ¹⁴ How to use Qualitative Methods in Evaluation. Patton, Michael, Quinn. Sage 1987
- ¹⁵ Workshop on evaluation, held for the civil service evaluation network, 16 March 1995. Martinson, Lesley, OPSS, work taken from Masters thesis, 1995.

Chapter 7

Evaluation of this Project

Abstract. This chapter considers the points made in previous chapters, on the scope of the project and evaluation, begins to look at how they can be put into effect and assesses the need for training and for evaluation.

The Work so far

Chapter 1 concluded that, "one way of evaluating the training input, would be to evaluate the performance of the civil servants involved and make an assessment of the contribution made to their performance by any training input." It also said that, "the project should be designed in such a way as to allow a full assessment of:-

1. the need for legislation training, and, if it were considered necessary;
2. its format, content and style;
3. its value to the organisation compared with the 2 day course;
4. the effects on the organisation of the use of the training, in the format chosen;
5. what the learning methods should be and whether those methods contribute to the effectiveness of the package;
6. how "open" the learning is and whether not "openness" contributes to effectiveness;
7. what contribution to theory can be gained from the project.

Point 1 covers the need for the training. Chapter 1 demonstrated that there was value to the organisation in having civil servants who were competent in producing Primary Legislation and that if they were below the competence standard (as yet undefined), that training, of some kind, would be necessary to meet the learning need, rather than leaving them to learn on a trial and error basis. However, for The Office of the Minister for the Civil Service (known as OMCS), "A training need only arises when a learning need cannot be met within the normal day to day processes, or when meeting a learning need in this way will:-

- ♦ take too long;
- ♦ involve too high a risk/cost;
- ♦ not result in the required standard of performance; and
- ♦ when training is the most cost-effective way of meeting the need,"¹ (P.4)

These points have already been covered, from an organisational point of view, in chapter 1. It is also, though, worth considering the managers' viewpoints. Although the organisation (the Northern Ireland Civil Service {NICS}), may express a view that competence in producing legislation is important for a middle or senior civil servant, there also needs to be a push amongst senior managers to obtain training for their staff, that is, the managers involved must see training (for their staff) as being necessary, otherwise they will not release these staff to attend a course/work through a package. Neither will they allow them time and energy to assimilate and apply any learning that may have taken place. This could be considered as an indicator of the training culture of the organisation, that is, whether training to improve

competence is seen by the manager to be of high enough value to expend resources (time, money etc) on it.

For OMCS, "A training need exists when an individual or group require **help** in order to meet a particular learning need within the timescale and to the standards required. The nature of the help required will be determined by the definition of the **need** - training courses are only one form of help. A priority training need only exists when the department (as opposed to just the training function) recognises the priority" (op cit P. 5).

What evidence is there to show that there is a recognition of the training need within the organisation, especially from managers and practitioners? There are several:-

- ♦ the push, from senior managers, to get the course restarted;
- ♦ course applications continuing to arrive for this course, (they have to be countersigned both by an applicant's manager and their Training and Development Officer {TDO}) ;
- ♦ telephone calls enquiring both about the course and for **any other information available on Primary legislation;**
- ♦ a paper from the top management forum in the NICS, expressing the view that more training should be available in this area;
- ♦ mention of the course in occasional circular letters from the top of the NICS to all groups involved in legislation.

Point 1, the need for the training, has now, I believe, been established, both at the "whole" organisation (NICS) level and at the level of individuals and branches. The rest of the points have not yet been covered, but point 2, the format and content will be dealt with now.

Having seen that training appears both to be necessary and to be wanted by the individuals and groups involved, then what training is needed? For OMCS, "The need for any management or performance change should be clearly established from the outset. And it should be expressed in terms of the results that are expected to be achieved. The identification of expected results is, above all else, the key to effective evaluation. These results must be established at the very first stage: It is the extent to which they are, or are not, achieved that will determine the effectiveness of the training or developmental event" ² (paras 16 - 17).

This view is taken very much from the "Scientific" approach. Easterby-Smith considers the "scientific" approach to be one pole of a "more-or-less continuous dimension" ³, with what he terms the "Constructivist" approach as the other extreme. As he says, though, "....in practice most evaluations contain elements of each view, and therefore may be seen to reside somewhere on [the] dimension" (op cit P. 23).

Although this study started out with a "scientific" approach, it will be seen that, in practice, much of the evaluation came from a more "humanistic" approach, with qualitative assessment also being used.

Although the need for the training has now been demonstrated, Point 2, the format, style and content of any training, would need to be determined through a training needs analysis, because, only if the needs are determined at the start, can an assessment of whether they have been achieved be made. This, (assessing whether pre-determined needs have been achieved) is one aspect of evaluation and the need for evaluation in this particular study has not been discussed. The Chapter on evaluation asked a number of questions about evaluation. It may be useful to pose them here, translating from the general to the specific context of this study.

Why Evaluate?

The first question in the evaluation chapter was, "Why evaluate?". The question was answered in general in that chapter but the point made by many writers is that evaluation is costly, so why evaluate this course in particular?

Firstly, it has already been established that the area of *learning about legislation* is important to the organisation as a whole; and in the "political" sense, legislation work is high profile, in that the end result of someone's work in this area is presented by a Minister, in Parliament. Secondly, this course needs considerable work done to it, to ensure it meets the needs of the staff who want it. It was first established over 20 years ago and only minor changes made to it until, and even when, it was reduced to a 2 day course. Considerable resources will be needed to update it and this updating should be assessed to check whether it was worthwhile. Thirdly, although Primary Legislation is only a small fraction of the work done by civil servants and only a small part of the training they receive, it is a highly skilled area, needing considerable knowledge and experience for someone to operate successfully within it. These considerations

also apply to other courses, such as the rest of the legislation area, and lessons learned in this area could also be applied in completely different areas, such as Finance training. It is possible that lessons learned in evaluating this course could have wide application for other courses operating at a similar level. Fourthly, open learning has been considered as a way of running this course and an evaluation will be needed of the success or otherwise of this, again, there may well be lessons learned which can be transferred to other situations.

Who?

In the Chapter on evaluation, the word "Who" was used in 2 senses: who the stakeholders were and who should do any evaluation.

The first portion of the "who", is the stakeholders. Stakeholders are those people who have some kind of "legitimate interest" in the training. Their interest may be financial, business orientated, work related or personal. The question that must be posed here is "Who is the Main stakeholder/client of this particular evaluation?", as so far this has not been discussed. At the outset, when beginning this study, there was, in a sense, either no main stakeholder, or, it was the trainer, attempting to see whether training provision could be improved. Since then, the NICS has funded this study (paying for course fees etc), although they funded it as private study, rather than specifically as an evaluation study. If the main client, however, is the one who pays for the work to be done, then the NICS is the main stakeholder. They will have access to all information, conclusions and recommendations that flow from the study and have already benefited from this to a certain extent.

The stakeholders for the Primary Legislation course are seen as:

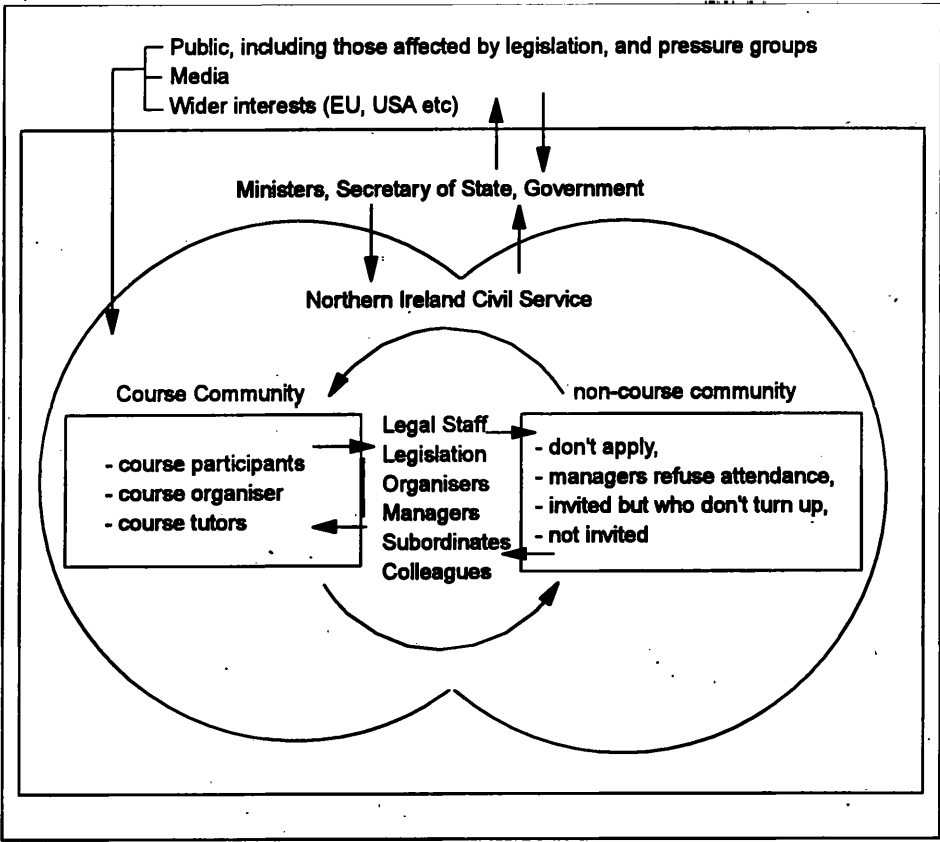
Primary Stakeholders	Other Stakeholders		
Course participants	their managers	their subordinates	their colleagues
trainer or organiser	senior training management	training policy makers	the training administration group
"outside" tutors or guest speakers	their managers	their subordinates	their colleagues
non participants (legislators who chose NOT to attend)	their managers	their subordinates	their colleagues
non participants (legislators who applied but not invited)	their managers	their subordinates	their colleagues
Legislation organisers	Top Management	Ministers	Public
Legal Staff	their managers	their subordinates	their colleagues

Table 2: Stakeholders in Primary Legislation Training

The Primary Stakeholders are seen as those who have a direct part in the course, although also included in this group are those administrative legislators who would have, should have, or wanted to attend the course but, for one reason or another, did not. The other stakeholders are those who are affected by the Primary Stakeholder's attendance or non-attendance at the course, including the colleagues etc., of the tutors who must contend with the work while the tutor is unavailable, whether training or preparing for training.

Most of the stakeholders in this study are listed in Table 2, above. The table, however, cannot show the *relationships between these stakeholders*; and these are many. Attendance at a means of learning about a subject in which all the primary stakeholders are vitally interested, creates a bond. In addition, the tutors and guest speakers are those involved in the legislation at a higher

level (ie further on in the process) and just meeting these people is a learning experience in itself. Being away from the office to attend a course can create pressures on colleagues back at the office, while non-attendance creates its own stresses for the individual, their colleagues and



the legislators and administrators elsewhere. These relationships are shown in Figure 11.

Figure 11: Model of the stakeholder relationships in the Primary Legislation Course

The figure depicts the stakeholders who attend the course as one community and the other primary stakeholders, those who have a legitimate need or interest in attending but who do not attend, as another community. There are various relationships between these two communities as well as between each community and the other stakeholders; managers, colleagues and legislators etc. These two communities and the other major stakeholders are part of the wider

Northern Ireland Civil Service, (NICS) which is, itself, a stakeholder, because legislation is such a high profile part of the civil service. Outside the NICS are the Government, Ministers and Parliament, all of whom have an interest in legislation. And outside them, again, are the public, the media and various pressure groups, who also have a legitimate interest in legislation, as it affects them, their lives and families.

The other part of "Who", is "Who should do an evaluation"? Considering the "who should do it", an evaluator, in general, needs to be several things simultaneously:-

- on the spot, to note the context of the course;
- involved, to note how the course runs and participants' concerns;
- supportive, to help the tutors present the course as well as possible, (this is a formative approach);
- outside, to keep a perspective and an overall view, in order to be able to make proposals and recommendations for change, (this is a summative approach);
- committed, to keep the evaluation on course;
- flexible, to allow for training changes needed because of learning occurring during the course of training,

They should probably not be part of making changes to the course, as they then become too involved, which can affect their judgement. This latter point means that the evaluator should not, in general, be a course tutor or organiser, however, in management training, where course numbers are usually relatively small, few organisations have sufficient resources available to commit an independent person for the time needed for an evaluation. Someone totally

independent needs time to learn about the training provided and its environment, before they can begin an evaluation. A course tutor or organiser already has this information and it may be considered a worthwhile "trade-off" for smaller courses or organisations, that the evaluator is someone who is already involved. The cost of an outsider learning about the particular training may be "more" than the need for *totally* independent proposals or recommendations. It may well be that for small courses or organisations, it is more cost effective for the evaluator to be a course organiser or tutor.

For this particular course, all of the above points apply, including the "should not". And it may well be the same for many evaluations, carried out, that is, if the course organiser does not do it, it may well not be done at all. There are at least 2 ways of looking at this. From one perspective, the stakeholders at the very top, even if they can afford the resources for evaluation, may well *need* to view training and development as an "Act of Faith". If it is not evaluated, they can have the "feel good" factor of spending money on it in the good times and there need be no "pangs of conscience" or worries about business effectiveness if the training budget is cut in lean times. Another view of this is that organisational stakeholders need to be educated about evaluation (and not only in the training sense), and one way to do this is to present them with an evaluation, which they have not asked for and which leaves them wanting more of the same. There is also the point that, for a trainer to evaluate a course in which they are involved, is personally developmental (as is reflection for anyone on any activity they have carried out). This is part of Kolb's "learning cycle", which in essence suggests that people learn by carrying out an activity, reflecting on that activity, generalising from the specific and planning further activity based on what they have learned. Evaluation will involve reflection on the course; on its "raison d'etre"; on the participants; on the trainer(s); and also on the organisational effect of the particular course. Evaluating is part of being one of Schon's reflective practitioners.

What should be evaluated?

The next area to consider is *what* should be evaluated. Chapter 3, The Situation, defined the opening problem to this study, which could now be summarised here loosely as, "Find a

different way of giving civil servants the same, or more, skills and knowledge about Primary Legislation as they got from the course but with less use of resources". The original solution proposed was "Use Open Learning for this". These should therefore be the critical areas to be evaluated.

Perhaps the first things to consider here are: "What is needed" and "What is being changed".

The first item, *what is needed*, is part of summative evaluation and also relates back to effectiveness. It has already been established that legislation work is an important area and that training is required - for at least some people - to ensure their competence. Evaluation in this area would establish whether or not what was provided met the needs and whether it needed to be done.

The second point, *what is being changed*, refers more to formative evaluation, where the overall need is not in question, rather the individual constituents of the training, and how they contribute to learning and development. This would cover items such as whether the course has been made more "open" and whether this contributed to effectiveness, and any other changes to the course. As knowledge increases, so changes may be made during the study. These changes need to be considered. As Parlett and Hamilton stated, "Before-and-after research designs assume that innovative programs undergo little or no change during the period of study. This built-in premise is rarely upheld in practice. Yet it remains fundamental to the design, constraining the researchers from adapting to the changed circumstances that so frequently arise. It may even have a deleterious effect on the program itself, by discouraging new

developments and re-definitions mid-stream." ⁴ Again, a training needs analysis will consider what is needed and what should be changed.

The other major area to consider is, "What contribution will this study make to the theory of evaluation?"

For Herman, Morris and Fitz-gibbon, "Well-conceived, well-designed and thoughtfully analysed evaluations can provide valuable insights into how programs are operating, By providing relevant information for decision-making, evaluation can help to set priorities, guide the allocation of resources ... and signal the need for redeployment of Personnel and resources. And it can serve such functions for policymakers, administrators and implementers at all levels ... helping them to assess and improve the quality of their programs and policies." ⁵ (P.11).

However, Patton warns that, " Evaluation research, particularly at the local program level, has been largely non-theoretical - both in conception and in reporting findings. Evaluation research often ignores theoretical issues altogether. Evaluators are accused of being technicians who simply collect data without regard to the theoretical relevance of possible empirical generalizations. Certainly, pure outcomes evaluations are non-theoretical."

Patton goes on to quote Hage (1972) who reassures that "evaluation research is by no means inherently non-theoretical. It can be theoretical in the usual scientific sense that deductive, logical systems are constructed to model causal linkages among general variables." Patton points out that, "By way of contrast to logical , deductive theory construction, a grounded theory approach to evaluation research is inductive, pragmatic and highly concrete....", going

on to say that, "Grounded evaluation theory would be particularly useful in consideration of whether a program should be replicated in other settings and how such replication might occur. Thus grounded evaluation theory would be a particularly important product of the evaluation of demonstration programmes. ⁶ (Pp. 39-40).

For King et al, (1991), when you base what you are looking for "on a set of assumptions about what works in an instructional or social program, you are conducting what can be called a 'theory-based evaluation'." They would contend that, " The job for the evaluator is to discover the theory of action in order to better understand how the program is supposed to work and what its critical characteristics are in the eyes of program planners and staff". ⁷ (P.31).

These quotations could perhaps be summarised on the lines of:- Designing an evaluation to show whether or not a new course has met its objectives, or to indicate where an on-going course could be improved, does not contribute to the theory of evaluation. On the other hand, postulating a theory on how people learn and designing a means to try-out the theory and designing a way of evaluating that program which tests the theory, would be a contribution to the theory of evaluation.

In this study, reflected in the title, a major area of concern is considering "how people learn" and whether using open learning as a means of in-house training makes that training more effective. The evaluation would therefore seem to contribute to theory.

How to evaluate

The final area to consider, is how any evaluation should be carried out. The section on this area, in the chapter on evaluation, covered a few main points: firstly, the "scientific" form of evaluation; secondly the "humanistic" approach to evaluation and thirdly, it mentioned the competency approach. Each of these areas has its problems.

For the scientific approach it is rare, if not impossible to be able to design an experiment, with controls, using sufficient numbers to make the results scientifically valid. Even in secondary schools, with the large school population, this can be difficult. In addition, obtaining matched control groups is difficult:-

- ◆ there are only small numbers available in the population to be trained, so obtaining matching sets is difficult;
- ◆ managers are not prepared to wait for training in order to suit an experiment; and,
- ◆ the communication and networking between groups means that "control groups" cannot necessarily be considered to have received "no treatment". Even, knowingly, being placed in one group, as opposed to another, can have an impact which can affect the experiment.

As Parlett and Hamilton have pointed out, "To attempt to simulate laboratory conditions by 'manipulating educational personnel' is not only dubious ethically, but also leads to gross administrative and personal inconvenience. Even if a situation could be so unnervingly controlled, its artificiality would render the exercise irrelevant: rarely can 'tidy' results be generalised to an 'untidy' reality." (op cit).

The humanistic approach also has problems. It can be considered to favour the needs and wants of the "Primary Stakeholders" more so than those of the "Main Stakeholder", so that evaluation reports done solely from this viewpoint have a higher likelihood of being rejected. It can also be seen as a more expensive way of evaluating.

The competence approach is newer and bases evaluation on "what is known to contribute to effective performance". Talbot however, quoting Silver (1991) expresses doubts about the feasibility of using this approach alone.

It would seem that designing an evaluation which attempts to use all 3 methods of evaluation in some way, might give more useful data and possibly more credible data, than one method alone.

The scientific method attempts to control as many variables as possible, which is not feasible with the small numbers of participants available, however, a training needs analysis, objective setting and questionnaires to seek reaction to the course could all be used. This would also provide information which the organisation could find credible. The humanistic approach is said to favour the course participants and the trainers over the organisation, so attempting to assess trainers' and trainees' views on the training would be a more "humanistic" approach. The competence approach asks "what must a person be able to do well in order to do the job effectively?". This approach would seem to need the managers' or the organisation's views on whether attendance at the course has contributed to job performance.

Summary on evaluation of this project

So far, the questions formulated in the chapter on evaluation have been applied to this project: the need for an evaluation of this project seems to have been demonstrated and using this framework, a design approach now seems to be taking shape.

At the start of this chapter, a number of items which the project would need to address were listed. The first of these, the need for training has now been addressed and the need to evaluate the training has also been considered and demonstrated. The question to consider now is *how* to go about this.

The Primary Legislation course itself, could not be used as the basis for determining the training need. As already explained, it had been produced out of the original 4 day course at very short notice. A Training Needs Analysis was therefore needed in order to determine the content of training and its format and style.

Design Approach

It was decided to carry out a training needs analysis (TNA), as from this, it was expected that areas of need would be determined which could then be used to design any necessary training event. It was also decided to use the TNA to determine the format and style of any necessary training. Once the TNA had been completed, it was expected that any training provided as a result of the TNA could be evaluated and could also be compared with the data collected on the previous versions of the course. Appendices 1 and 2 contain information on the first two runs of the revised primary legislation course, although these are mainly at the immediate reaction level. No other levels of evaluation are available from the original courses. However, further runs of the original course were also evaluated at the immediate reaction level and these sheets contained free comment areas which course members used for making constructive criticisms and suggestions for course improvements. These could be used as a means of assessing any changes.

- ¹ A Guide on How to do a Needs Analysis. TD Division, Cabinet Office, OMCS.
- ² Validation and Evaluation of Training: A Review of Best Practice. Training and Development Division, OMCS. Published HMSO.
- ³ Evaluating Management Development, Training and Education. Easterby-Smith, Mark. 2nd edition, Gower 1994.
- ⁴ Evaluation as Illumination: A New Approach to the Study of Innovative Programs. Parlett and Hamilton. University of Edinburgh Centre for Research in the Educational Sciences. Occasional Paper Number Nine.
- ⁵ Evaluator's Handbook, Herman, Morris, Fitz-Gibbon. Sage 1987.
- ⁶ How to use Qualitative Methods in Evaluation. Patton, Michael, Quinn. Sage, 1987.
- ⁷ How to assess Program Implementation. King, J.A., Morris, L. Lyons, and Fitz-Gibbon, Taylor, C. Sage, 1991.

Chapter 8

The Training Needs Analysis

Abstract: This chapter covers the methodology of the Training Needs Analysis.

The previous chapter signalled a need for a training Needs Analysis for people involved in preparing Primary Legislation.

Training Needs Analysis

The terms of reference for this Needs Analysis were:-

- ♦ to identify the training and development needs of staff involved in preparing Primary Legislation, in particular, those at DP to Grade 5 level and analogous (Staff at Grade 5 would be equivalent to Directors of Boards in a private business, below these, in Grade terms, would be Grade 7s, also known as Principals, below these again, are Deputy Principals, usually known as DPs.);
- ♦ to identify priority training needs for those staff;
- ♦ to make recommendations on ways of meeting those needs, including the format of any training; and,
- ♦ to evaluate training produced as a result of the Needs Analysis in terms of effectiveness and cost-effectiveness.

The proposed methodology for carrying out the Needs Analysis was:-

- ♦ interviews with senior managers involved with preparing Primary Legislation;
- ♦ preparation and administration of a questionnaire based on areas identified in the interviews.

The outcomes expected from running the Training Needs Analysis were:-

- ♦ identification of the areas of need in the production of Primary Legislation;
- ♦ identification of gaps in the current Primary Legislation training;
- ♦ prioritisation of training needs;
- ♦ identification of preferred ways of learning;
- ♦ an indication of the attitude within the organisation towards training (ie, the training culture).

Preparation of the Needs Analysis

OMCS say that, before rectifying a problem with a job, or the person doing the job, "we must be fully aware of the extent and nature of the job or role".¹ (P.18).

So, before producing any means or method of helping people to learn what they needed, it was necessary to find out exactly what was involved for civil servants in preparing Primary Legislation, then to find out which areas, if any, were priority training needs. This is the basis of a training needs analysis.

It was decided that the training needs analysis would be produced, first of all, by contacting up to 20 civil servants (mainly from within the group of what were termed "primary stakeholders" in the previous chapter), who were, or had recently been, closely involved with preparing Primary Legislation and asking them to agree to be interviewed. From the interviews, it was expected that a series of events or major activities concerned with the preparation of Primary Legislation could be drawn up, on which could be based a questionnaire for issue to a much larger number of civil servants. The questionnaire would probe the importance, relevance and training need for those events/activities identified from the interviews, providing information to identify the training needs.

Methodology

Finding the interviewees

Within the Northern Ireland Civil Service (NICS), there are 6 main departments: DANI, DENI, DOE, DHSS, DED and DFP. Roughly translated, these are, respectively, Agriculture, Education, Environment, Health and Social Services, Economic Development and Finance and Personnel. Each department has a Training and Development Officer (TDO), who is responsible for the training needs of all non-industrial civil servants in their department. The Management Development Centre (MDC), trains staff in response to training needs identified by the TDOs. It was therefore necessary and courteous, to inform them first of all, of the decision to find out the training needs, and also to seek their help. All TDOs were pleased with the decision, although some departments have a very small legislation involvement, and some offered names of people who could be consulted.

Also, there is a central co-ordinating body (Central Secretariat), which co-ordinates the legislative programme. They know about the Northern Ireland legislation in course of preparation and act as a source of information for civil servants on the legislative process. They were asked to provide a list of civil servants involved in Primary Legislation. The list contained about 30 names and covered all departments within the NICS.

Central Secretariat, (CentSec) the Office of the Legislative Counsel (OLC) and the London-based staff of the Northern Ireland Office (NIO) are the main repositories of knowledge on the preparation of legislation via Orders in Council and all have an input of one kind or another to legislation. Their views were therefore very necessary and they had to be interviewed.

From the lists of names provided by Central Secretariat and TDOs, a cross-section of staff were chosen. Twenty people were chosen, in such a fashion that all departments, both sexes and a range of grades from Principal (Grade 7) to Under Secretary (Grade 3) would be included as well as representatives from CentSec, OLC and NIO. Not all those whose names were chosen from the lists agreed to take part but the final number of interviewees was 15, including CentSec, OLC and NIO. The survey was not random but it did include at least one representative from each department and a range of grades and both sexes.

The interview questions

Appendix 3 contains a copy of the questions asked during the interviews and a "starter" list of activities, based on the 2 day Primary Legislation course, thought to be included in the

preparation of Primary Legislation. Although the 2 day Primary Legislation course could not be used to determine training needs, its contents could be used as a base level of knowledge for asking questions; to increase the knowledge level of the interviewer and as a "jumping-off" point for the questionnaire. In a sense, it provided a base for starting and a comparison for validating the information obtained from the interviews.

The interviews

The interview was semi-structured, that is, a list of questions was asked but the questions were deliberately left very open, to encourage wide-ranging responses. The interviewees had been written to first, giving the background to the needs analysis and seeking their agreement to being interviewed. A copy of the questions to be asked was enclosed with this letter. This was intended to let the interviewees know what sorts of questions would be asked, and to allow them some time to consider their answers, before the interview. It consisted of a mixture of 26 open and closed questions and was conducted on a paper and pencil basis, not as a tape-recorded interview. (This was the result of 2 "poor" experiences at the start of the interviews: one interviewee objected to the tape recorder and one was interviewed using the tape recorder but felt uncomfortable. The rest of the interviews were done using pencil and paper.)

With open questions such as, "What are the major activities included in your job?" and "What difficulties do you encounter?", it was expected that there might be problems drawing the responses together. However, the benefits in this situation were expected to outweigh the difficulties because:-

- ♦ the situation had never been previously assessed to this degree before; and,
- ♦ constraints imposed by a rigid questionnaire could have produced a distorted picture.

Using the interview data

The information from these interviews was drawn together by picking out key words. These began to fall into 7 categories:-

- ♦ major activities involved in the job;
- ♦ knowledge;
- ♦ skills needed to carry out the activities;
- ♦ attitudes necessary for getting the job done;
- ♦ ways in which learning could occur;
- ♦ "wants"; and,
- ♦ "other points"

Within each of these categories, the key words again fell into logical groupings.

The original lists of key words, together with the rearranged groupings, are included in Appendix 3. These were eventually used as the basis for the questionnaire. These lists were circulated back to the interviewees asking for their comments, as a validation of the interviews exercise. A few minor changes were made.

Producing the Questionnaire

The questionnaire produced from this exercise was then discussed with the statisticians from the Northern Ireland Civil Service, at PPRU, (Policy Planning and Research Unit). They can advise on any statistical question, such as whether to use large scale data processing facilities or a small scale package available for an IBM compatible PC, when inputting data from quantitative questionnaires.

A list of the information which it was expected could be gathered from the questionnaires was discussed with them and they were able to advise that all desired outcomes could be obtained, using the PC, rather than large scale facilities. They also advised on layout of the questionnaire.

The questionnaire was printed using the NICS central print unit facilities. Once completed, it contained 15 pages, which seemed rather long, although Oppenheim, quoting Scott of the British Government Social Survey says that, "one cannot be dogmatic about the number of pages that 'cannot' be exceeded" ² (P.35) and that, "the more interested people are in the subject of the questionnaire, the more they are likely to fill in and return even quite lengthy questionnaires" (ibid). However, on reflection, certain pages were removed, reducing the questionnaire length to 12 pages. Some of the pages were removed because their questions asked about skills and knowledge in a particular way. This was felt to be trainers' jargon, not meaning the same to non-trainers. One other section was removed as it was more of an attitude survey.

Central Secretariat were asked once more to supply a list of civil servants involved in Primary Legislation. This contained just over 80 names and some were those of people who had contributed to the original interviews. It was decided to keep these in. It was decided to use 10% of the names to pilot the questionnaire, in case of any design or wording faults. The pilot 10% were chosen totally at random, by putting all the given names in a hat and picking out 8. At this point, however, one of the names picked out was that of one of the original interviewees. This name was replaced in the hat and an alternative picked out. Five of the 8 pilot questionnaires were returned. Some minor points of change were found from exercise and the revised questionnaire was then issued to the other 74 names on the list. A copy of the final questionnaire to be issued is in Appendix 3.

The questionnaires did not have people's names on them, to allow for confidentiality, however, they were numbered, so that respondents could be contacted if there were any problems. Two weeks after the initial issue of the questionnaires, a reminder letter was issued to those who had not returned their questionnaire.

A fortnight after this, the questionnaire was summarised to gather the data. The initial analysis of this data is discussed in the next chapter.

- ¹ **Validation and Evaluation of Training: A Review of Best Practice. Training and Development Division, Cabinet Office, OMCS.**
- ² **Questionnaire Design and Attitude Measurement. Oppenheim, A.N. Heinemann**

Chapter 9

Initial Analysis Of Primary Legislation Questionnaire

Abstract: This chapter describes the Primary Legislation Training Needs Analysis questionnaire and gives the initial information obtained from it. There were some difficulties with completion of the questionnaire for respondents and these are discussed. This chapter contains information from the quantitative questions, the qualitative question is discussed a little later.

Initial Returns and Overview of returned questionnaires

Number of questionnaires issued	= 74
Number returned	= 54
% return	= 73%

Of those returned, 16 respondents were "not currently involved", and

38 respondents were "currently involved" with Primary Legislation.

The original intention was to analyse the returned questionnaires by computer and a program was prepared using the "Blaise" language. However, on a first view of the questionnaires, a number of them were incorrectly or insufficiently completed, mainly at question 10 and so the survey could not be analysed by computer. There was such a poor response to question 10, while the other questions were very fully and accurately completed (in the sense of following the "completion" instructions) that it was not considered worth returning questionnaires to

respondents for recompletion. A few telephone calls were made to see if the information could be obtained that way, but even over the telephone, respondents found it difficult to judge the "importance" of a particular item, or the "need" for development in an area. "They're all important to the job", was a standard answer received. As the questionnaire had been prepared in sections, where the replies to one section did not affect answers in other sections, it was decided to analyse the questionnaires manually, section by section, to obtain the maximum possible information.

Description Of Questionnaire

The questionnaire was produced from information gathered from a number of interviews with people experienced in the field of Primary Legislation. Other, personal, details were added to see if age, sex, gender, experience, etc had any effect on replies. The questionnaire contained a final total of 15 questions. A copy of the questionnaire is in Appendix 3.

Questions 1-9 covered personal details; age, sex, grade, time in grade, time in post, whether working on Primary Legislation at present, time involved with Primary Legislation, proportion of current job devoted to Primary Legislation, and academic and professional qualifications in Law.

Question 10 covered the "activities" thought to be involved in the preparation of Primary Legislation. These were determined from a series of interviews with various people involved with Primary Legislation at a senior level. Question 10 had 6 major sub-sections,

corresponding to the 6 main areas which the interviews had shown were involved in preparing Primary Legislation: A - pre-preparation; B - gaining agreement from the Minister; C - preparing draft legislation; D - preparing supporting items; E - parliamentary stages; and F - post parliamentary stages. Each main area was sub-divided into a varying number of steps. A was divided into 7 steps, numbered A1 to A7, similarly, B had 5 steps, numbered B1 to B5, C had C1 to C5, D had D1 to D8, E had E1 to E3 and F had F1 to F7.

Each section, in addition, had up to 3 blank boxes available for respondents to add activities they thought should be included. Section G was an entire blank section, included to allow for another major area if respondents thought this necessary.

Question 11 covered "Ways of Learning". The ways of learning were divided into 4 main areas; 1. Involvement; 2 & 3. Self Learning - a. (informal); and b. (Structured self-learning); and 4. Training/courses. Each of these main areas was further sub-divided into between 4 and 10 different ways of learning, and respondents were asked to grade each way of learning on a scale of 1 - 5. 1 - 4 ranged from "extremely helpful", through "very helpful", and "some help" to "not helpful". 5 allowed for a "don't know/no opinion" response. A blank section was available for additional items added by respondents.

Question 12 covered possible training items which could be made available and the same scale of 1-5 was used as for question 11. Four main areas of help were mentioned; Reference items, Training, self-help items and Background Knowledge, each again divided into a number of

items. A blank section was made available for additional items thought necessary by respondents.

Question 13 asked respondents to rank the main areas from question 10 into order of importance to their jobs over the coming 12 months. And for managers, question 14 asked them to do the same for their staff's jobs.

Question 15 was different from all the rest of the questions in that it did not address questions of fact or opinion about material items - instead it asked respondents to place a value on learning, using a scale of 1 (high) to 4 (low), and, using the same scale, also asked what value they believed the organisation placed on learning. Finally, half a page was left for free comment.

Of the 16 questionnaires returned by people no longer involved with Primary Legislation, 7 had the "free comment" box at the end completed. (This invitation to comment was available to all, whether or not they were currently involved with Primary Legislation.) These comments were amalgamated with those from the other questionnaires and produced separately as a report on how Primary Legislation training could be improved.

Questionnaire Analysis

Main Conclusions

Questions 1-9

Questions 1-9, personal information, were included to give a picture of the kind of people who are involved in Primary Legislation and to help show whether any one particular group had any special needs. The low number of people involved in the survey, however, meant that no significance could be placed on any particular groupings of results and so no analysis was done on these questions in relation to the other data contained in the questionnaires. However, it was possible to produce a picture of the "typical" respondent to this questionnaire. (See Table I for the data.)

38 questionnaires were analysed and only one person forgot to tick any of the boxes in this section of the questionnaire. The typical respondent is male (87%) and at DP or Principal grade (84%). This reflects very closely the current distribution of genders at this grade within the Northern Ireland Civil Service. He is just slightly more likely to be 45 years of age or under, than over (58% aged 31-45 years, 42% aged 46 or over), is very unlikely to have any qualifications at all in law (92%), and is likely to have spent over 2 years in his current grade (74%). Length of time in the current post is fairly evenly split between those who have spent 1-2 years in their present post (42%) and those who have been in a posting for over 2 years (45%), and roughly the same split is seen in the length of time spent in a Primary Legislation post (40% between 1 and 2 years, 47% over 2 years). In their current job, 45% of respondents spend more than half their time working on Primary Legislation.

Question 10

Question 10 formed the main part of the questionnaire. As already described, the question was divided into 6 main areas, each of which was further sub-divided into differing numbers of steps. For each step, respondents were asked first of all to decide whether or not that step was part of their job. If not, they were asked to mark box X beside that step and then continue straight on to do the same for the next step. If a step however, did form part of their job, they were asked to leave box X *unmarked* and to decide, on a scale of 1 to 4, the importance of that step to the job, and again, on a scale of 1 to 4, how much development (ie training) they needed to perform that step.

This would have meant that 2 separate pieces of information could have been obtained from question 10; firstly, those steps which formed a significant part of a Primary Legislation job and those which did not; and secondly, the priority training needs for those steps which were significant. In question 10, there appeared to be a significant number of respondents who had completed the first of these items (the parts of the job), but the majority had not completed, some had not even attempted, the other part of the question (the priority training needs).

Of the 38 returned questionnaires where the respondent replied "yes" to question 6 (Are you currently working in Primary Legislation?), 3 could not be used at all for an analysis of the "part/not part of job" boxes in question 10. The other 35 were usable and were scrutinised to see whether any steps which were included in the questionnaire were of minor importance and could reasonably have been omitted. The blank boxes included in the questionnaire were also scanned to see if they had been completed and whether there seemed to be any common trend in steps considered by respondents to have been omitted from the questionnaire.

A simple 5-bar gate system was used to count the number of times a step was said by a respondent to be "not part of the job" and it was decided that, if half or more of the respondents whose forms could be used, (x is greater than or equal to 18) said a particular step was not part of their Primary Legislation job, then that step should be considered of minor importance and should be ignored. This applied to only 2 of the steps; F3 (Central Assessment of Legislation) and F5 (Link with Judicial Review). All other steps were considered by half or more of the respondents to be part of their Primary Legislation jobs.

Of the 35 respondents whose forms could be used, 7 used a total of 16 blank sections to add in extra steps. There were 2 identical comments, both concerned with section E (Parliamentary Stage) and making contact with the London end of the Parliamentary Process. Two others were similar, covering paperwork for the Parliamentary Process and briefing Senior Officers and Ministers. Three other comments concerned communication with counterparts in GB departments. The others were singleton items.

In summary then, it appears that 2 steps, (F3 and F5) did not form part of a Primary Legislation job for any significant number of people and that there were no significant omissions from the questionnaire itself. (However, the completed blank boxes on the questionnaire prompted some action on the Parliamentary process, the London end and briefing skills - in that courses covering these items were then offered in the next prospectus of courses from the Management Development Centre.)

The other part of question 10 (determining the priority training needs) could not be analysed, as there were not enough boxes completed to be able to draw any conclusions from it. Chapter 10 analyses the possible reasons for this and draws lessons for future action.

The problems found here with Question 10 were also found in the pilot survey but were not thought, at that time, to be significant. There were two reasons for overlooking what on hindsight may appear to be obvious.

Firstly, the form of question 10 followed very closely a specimen questionnaire in the OMCS guide on training needs analysis. This form of questionnaire had also been used in a different survey run some years previously. It was therefore assumed that this form was one which would provide useful information and would be possible for respondents to complete. It may be that this specimen questionnaire did not translate well to this area of work, or it may be that this form of questionnaire is not a "good" questionnaire format.

Secondly, as the pilot was known by the respondents to be just that, it was assumed that the poor completion of question 10 might be due to (a) their willingness to help with the survey but also (b) their lack of time available for its completion which together with the knowledge that pilot information was unlikely to be used in the main survey might have led to skimping or rush in completion of question 10

It seems likely now that pilot respondents had exactly the same problems as respondents to the main questionnaire, but this was not realised at the time.

Question 11

This covered "Ways of Learning" and all 38 of the questionnaires in which the respondent said that they were currently involved in Primary Legislation were usable for this question. Some respondents did not however tick a box on every line. Where no tick was present for a particular item, this item was ignored, so the horizontal lines do not always tally to to 38.

There were 27 items included in question 11 and it was decided that where half or more of the respondents ticked either the "Extremely helpful" or the "Very helpful" box for a particular item, (X is equal to or greater than 19) then this way of learning would be considered to be acceptable by a significant number of respondents. Of the 27 items, 12 fell into this significant category. In rank order they were:-

1. "On the job training" and "get training at the right time"
3. "Exposure to the process as a team member"
4. "Coaching by experienced staff in branch"

5. "Attendance at Primary Legislation course"
6. "Combination of classwork and on the job training"
7. "Talk to Legislative Counsel and Central Secretariat" and "Reference documents for each aspect"
9. "Internal Lectures by experienced people"
10. "Consult colleagues" and "Get example papers"
12. "Attendance at Westminster - see before do"

Four other items were considered by at least half of the respondents to be of "some help" as a way of learning. In rank order they were:-

1. "Guided tour of Westminster by Legislation experts"
2. (equal scores) "Work on Subordinate Legislation first" and "Someone takes you through the Blue Book"
4. "Being part of a help group".

Question 12

This was on "wants" - items or conditions that would be helpful to a Primary Legislation job.

Again, all 38 of the questionnaires where the respondent was currently involved in Primary Legislation were usable for the analysis of this question. Again, respondents occasionally omitted a tick on some lines. Where this has occurred, the horizontal lines do not always total to 38.

Question 12 covered 24 items and it was decided that where half or more (X is greater than or equal to 19) of the respondents ticked either the "Extremely helpful" or the "Very Helpful" boxes, then that item would be considered to be a significant "want". Of the 24 items, 8 came into the significant category. In rank order they were:-

1. "Procedures updated and firmed up" and "An updated version of the Blue Book".
3. "Guide to what Legislative Counsel need"
4. "Just in time training, ie when needed, not just when available"
5. "Framework/check list to ensure everything is done"
6. "Shortcuts/tips from experienced people."
7. "Return of the 4 day residential course in Primary and Subordinate Legislation"

8. "Better consultation with and by GB"

Four other items were considered by at least half of the respondents to be of "some help". In rank order they were:-

1. "Glossary of terms", "Brief overview of the Legislation process for senior staff" and "Exposure to legalisms/legal jargon"
4. "Knowledge for those not directly involved so they will help, not hinder the process"

Only one suggestion was made by a respondent using the blank boxes. This was that there should be "structured postings to build up experience". However, this is significant if taken in conjunction with the "free" comments made in the half page left after question 15. There were similar suggestions there.

Question 13

This asked respondents to consider the 6 main areas of Primary Legislation work; pre-preparation, gaining agreement from Ministers, preparing draft legislation, preparing supporting items, parliamentary stages and post-parliamentary stages: and to decide how important each area would be to their job in the coming 12 months. They were asked to rank the areas from 1-6 (or from 1-7 if they had added a new section earlier on at question 10) with 1 being the most important, on down to 6 or 7 for the least important.

Of the 38 returned questionnaires where the respondent was currently involved in Primary Legislation work, 34 were usable for question 13.

The question was analysed by applying inverse weighting to the ranking, ie a rank of 1 was given 7 points, a rank of 2 got 6 points, rank 3 got 5 points etc, down to rank 7 which got 1 point. Not every area was ranked, some respondents ranked only their first 3 priorities or even just their top priority.

Using the weighting system described, item g, the blank area left for optional completion, gained only 21 marks. The other 6 areas gained very similar marks.

The ranking was:-

- | | |
|--|--------------|
| 1. Preparing draft legislation | - (177) |
| 2. Parliamentary stages | - (176) |
| 3. Preparing supporting items | - (163) |
| 4. Gaining agreement from Ministers | - (151) |
| 5. Pre-preparation and and Post Parliamentary stages | - (150 each) |

These markings are so close that it cannot really be said that there is any significant difference between them.

Excluding item G, each area received between 15.5% and 18.3% of the possible points. Although it had been expected that at least one or two areas would have stood out as being the

most important over the coming 12 months, this result is not totally unexpected. Preparation of Legislation takes the form of an 18 month or 2 year cycle. Different departments and branches within departments are at different stages of the cycle and once the cycle is completed for one piece of legislation, often another remains to be started, so each branch will rate different areas as important in the coming 12 months.

Question 14

This was similar to question 13, except that it asked respondents to consider the importance of the same 6 main areas of Primary Legislation work in the coming 12 months for any staff they managed. Again item G received very few marks. The other areas again received fairly similar ratings, except for the "Gaining agreement from Ministers" area. This could have been predicted, as usually only staff at higher grades are involved in work with Ministers. The rankings were:-

1. Preparing draft Legislation	- 99 - 19.5%
2. Preparing supporting items	- 91 - 17.9%
3. Parliamentary stages	- 90 - 17.8%
4. Post Parliamentary stages	- 87 - 17.2%
5. Pre-preparation	- 81 - 16%
6. Gaining agreement from Ministers	- 59 - 11.6%

For both managers and their staff, "Preparing draft legislation" comes top of the list.

Question 15

This, the final question, asks what value the respondent places on learning and the value they believe the organisation places on learning. For each of these questions a 4 point scale was used; High value, Fairly High Value, Some Value and Low Value. Of the 38 respondents, 37 placed a tick in the first part of the question and 36 in the second part of the question.

From the results, it would seem that 27 (73%) respondents place a "High" value on learning while only 6 (16.7%) believe that the organisation places a similar "High" value on learning. Taking the top 2 rankings together, 35 respondents (94.6%) place a "High" or "Fairly high" value on learning, while 22 (61.1%) believe the organisation does the same. Only 2 respondents (5.4%) place "some" or "low" value on learning, while 14 (38.9%) believe that the organisation places "some" or "low" value on learning.

This result is not unexpected. It tends to substantiate qualitative evidence on the culture of the NICS obtained from talking informally to many civil servants over a number of years, that is, that civil servants do not feel that the "system" is as interested in their learning needs as they themselves are.

"Free Comment"

A free comment area was provided at the end of the questionnaire, it provided a great deal of very useful information and comment. This has been summarised separately, in Appendix 4.

Summary

In summary then, there was a pleasing return rate for the questionnaire, with 74% being returned eventually. In addition, the questionnaire was well completed in all parts except for question 10, but as this was the main question of the questionnaire, the major information that was expected could not be obtained on that area. As much information as possible was garnered from those questions which were answered. A picture of a "typical" administrator involved in legislation was gained, together with information on how they felt their learning needs would be best met, and their "wants" for Primary Legislation. Two further questions sought overview information on the legislative areas of importance to departments in the coming 12 months. The answers here suggested that, as different departments and different branches within those departments are at different legislative stages, then *all* areas are of equal importance. This probably has a bearing on the discussions about question 10. It may well be that all areas of Primary legislation are of equal importance to those involved because items from one stage have to be considered during an earlier part of the work, in order to ensure that the legislation is kept on target. The final quantitative question was a value-laden one and the expected result was obtained. The "free comment" area, which was half a page left blank at the end of the questionnaire, provided valuable qualitative information and is summarised in a Appendix 4.

No of completed forms = 38

		NUMBER	PERCENTAGE
Age	30 or under	0	0
	31 to 45 years	22	58
	46 years or over	16	42
Sex	male	33	87
	female	5	13
Grade	Up to and including SO and analogous	2	5
	DP, Grade 7 or analogous	32	84
	Grade 6, Grade 5 or analogous	4	11
Time in Grade	0 - 12 months	2	5
	Over 1 and up to 2 years	8	21
	Over 2 years	28	74
Time in Post	0 - 12 months	5	13
	Over 1 and up to 2 years	16	42
	Over 2 years	17	45
Length of Time Working on Primary Legislation	0 - 12 months	5	13
	Over 1 and up to 2 years	15	40
	Over 2 years	18	47
Proportion of Time Spent on Primary Legislation	Less than 25%	10	26
	26 - 50%	11	29
	Over 50%	17	45
Academic or Professional Qualification in Law	Law degree or equivalent	3	8
	Law qualification below degree level	0	0
	No qualification in Law	34	92

(note 1 person
did not complete
this last section)

Chapter 10

Learning points from questionnaire

Abstract: This chapter seeks to learn lessons on the production and use of questionnaires from the experience of using this questionnaire.

Although the main part of the questionnaire was unusable in the areas for which it had been mainly produced, some points could be learned from it, for the future production of other questionnaires. Other information and inferences could also be drawn from it and these too are discussed below.

Personal Information

This was, of course, the easiest part of the questionnaire for respondents to complete and although the number of returns was not sufficient to be able to use this information to match training needs to any particular group, it was sufficient to give a picture of the type of person involved in Primary Legislation. This has been given in Chapter 9.

There seemed to be no problem with this area of the questionnaire. If necessary, (though it is not, for this project) the age, grade and gender information obtained from this questionnaire could be matched against similar demographic information on staff at these grades, as this

information is already kept by the Equal Opportunities Unit in DFP on behalf of the NICS.

(This is a legal requirement under Northern Ireland's Equal Opportunities Legislation.)

Other areas

There seems to be an interest among civil servants involved in Primary Legislation in "Getting it right". (That is, there seems to be an interest in ensuring both that legislation produced is as correct and well done as possible, and that the internal management and systems involved in its production are correct.) This is suggested by, for instance, the (high) 73% return on the postal questionnaire. In addition, 44% of the returned questionnaires had the "free comment" area completed on page 11, with equal percentages coming from those people "no longer involved" and those who were "currently involved". The comments were thoughtful and wide-ranging, paragraphs rather than one-off comments. It was entirely within the respondent's choice as to whether they completed this area or not, and as it was for "free comment", there were no guides, or "handy" boxes to suggest possible answers. It was especially interesting to see that half of the questionnaires with this section completed came from those not currently involved in Primary Legislation. They were not asked to complete the main part of the questionnaire and it might have been thought that they would not bother to add comments either. This certainly suggests some kind of interest in Primary legislation, both by those currently involved and by those previously involved.

Although space was provided for comments, it was not expected that there would be much useful information from them, however, once they were collated and sorted under various headings, there was a large amount of helpful information, comment and suggestions in this material. In fact, this material prompted some new ideas on training for primary legislation

and even one where training of new people at the right time could be done, without running a new course but by using the whole resources of the NICS . (This idea was that of communication - groups or departments involved in a specialised area, or those needing help or information, should mention this at legislation meetings and "swaps" or exchanges of people for shorter or longer times would help spread the knowledge or skills. One offer made by a particular branch involved, at that time, with the parliamentary section of legislation, ie supporting the Minister as the Legislation is put "through the House" was that, they would take someone from another area with them, to learn the skills and information necessary.) This information formed part of a report on legislation, which was made to the Legislation Monitoring Committee, within the NICS.

Although this information was interesting, thoughtful and useful, it was probably only possible in this instance to collate this information because of the low numbers in the sample. A large population could have produced an overabundance of data which could have been very difficult to sort into any meaningful kind of order without a lot of resources being used. It could however be worth putting the resources into this kind of task if the information to be obtained from it is considered to be "worth it". The information obtained from a "free comment" area coming at the end of a questionnaire is probably influenced by the respondents's having seen or completed the questionnaire and thus the information obtained could tend to fall into the same categories as those in the earlier part of the questionnaire. This could make the collation of information from a large sample easier than if the "free comment" area were to comprise the whole of the questionnaire.

There could be differences in the comments between those respondents who completed the "free comment" section after completing the rest of the questionnaire (those who are "currently working in the Primary Legislation area") and those who would not have completed the rest of the questionnaire, although they may have glanced at it. (Those who are "not currently working in the Primary Legislation area") This could be a useful area to consider with a large sample. For instance, some of the suggestions made in the "free comment" area relate to "personnel issues", such as promotion, career planning, seeking interested staff etc. None of these areas was mentioned in the questionnaire. It might be an interesting exercise (though not in the context of this current study) to see whether these kinds of suggestion were more likely to come from respondents who had not completed the earlier part of the questionnaire or from those who had completed it, or equally from both sections.

Although the "free comment" area was added because respondents very often like to add their own comments (whether these are wanted or not and will often use any available space to add them), it could be argued that this is the most valuable part of the questionnaire. Hard figures may be difficult to attach to the information obtained but this should not be a reason for not seeking it or using it once obtained. Once respondents have seen and (or) completed the rest of the questionnaire, their minds could be said to be "set or tuned" to Primary Legislation and the questionnaire may have prompted thoughts on Primary Legislation which have not previously been articulated.

There could perhaps be said to be an "open learning" implication in the use of the "free comment" area. I have argued elsewhere that open learning has three supports: learner choice;

learner support and informed learner input. The suggestions and ideas mentioned in this "free comment" section could be put into these three areas as they cover: **learner support** (eg. by joining groups already engaged in that particular area, by being an "extra hand", or additional member, other kinds of learning, and by using knowledgeable senior staff); **informed learner input** (this is on the part of the respondents themselves who, from a certain knowledge base are able to say what will or would have helped themselves to learn); and, of course, the suggestions cover **learner choice**, as each respondent is free to say what they would like and have been quite happy to do so. They also had a choice as to whether or not to complete the questionnaire and /or the "free comment" section.

Question 10

It seems strange therefore, with what seems to be a genuine interest in helping with a survey into Primary Legislation, that so much difficulty seems to have been found with question 10. This was the major part of the questionnaire and yet it was the least well completed and it was this lack of completion that led to the questionnaire being manually, rather than computer, analysed. Looking into the reasons for this poor completion, it seems unlikely that "tiredness" was the reason, as later parts of the questionnaire (questions 11 - 15), were in the main, correctly (ie, according to the instructions) completed and could be analysed. It would also have seemed at first sight, that apart from questions 1-9 which covered personal details, that question 10 would be the most straightforward part of the questionnaire to complete, as it covered activities in which respondents were engaged daily.

There were 2 distinct parts to this question; firstly respondents were asked to decide if a particular activity was, or was not, part of their job. Secondly, for those activities they saw as part of their job, they were asked to decide how important each was to the job and how much training (development) they needed in it.

The first part caused little difficulty. Of the 38 returned questionnaires from respondents currently working on Primary Legislation, 35 could be used to analyse the part/not part of job area. The second part was so poorly completed that there was no point in analysing it. Many could not /would not/ or were unable to say how important any particular activity was to their job; others could not say how much training (development) they needed in the activity: some left both sections blank. This was disappointing as question 10 was the main focus of the questionnaire. From this question, it had been hoped to obtain a picture of the training needs of those staff engaged in Primary Legislation work and the priorities for those training needs.

The activities had been gathered from interviews with senior staff experienced in legislation, the list had been circulated back to them for verification and the resulting questionnaire had been piloted with a 10% sample of the target population. From this preliminary work it was expected that the list of activities was correct and this was verified by the first part of question 10; the part/not part of job tick box. Only 2 of these items were ticked by more than half of the respondents (a tick indicated that the activity was NOT part of the person's Primary Legislation job) and there was no apparent trend in the completed "blank" sections to suggest that an activity/activities had been omitted.

The problem with question 10 then, for respondents, seemed to lie, not with the list of activities, but with putting a value on the importance of each activity to the job and of saying how much development (training) was needed.

This is in contrast to the responses to questions 11 - 15. Questions 11 and 12 covered "Ways of Learning" and "Wants" and all 38 questionnaires were usable for analysis of these questions. Questions 13 and 14 asked respondents to rate the 6 main areas of Primary Legislation work in order of importance to the job over the coming 12 months for themselves (Q.13) and for their staff (Q.14). For question 13, the majority of returned questionnaires (34 out of 38) could be used for analysis, although fewer could be used for analysis of question 14, but this was because about half the respondents had no staff working on Primary Legislation and ticked a box to show this. For question 15, 37 out of the 38 questionnaires were completed.

The big difference in the answers to question 10 and the answers to questions 11 - 15 may lie in the fact that 3 separate items had to be ticked by respondents in order for the question to be fully analysed. There seemed to be no problem with the part/not part of job tick box. However, on reflection, it could be argued that asking respondents to tick a box when an item is NOT part of their job can lead to an assumption that lack of ticks means an item IS part of the job, whereas it may instead mean that the respondent has forgotten/failed/misunderstood the question so that the lack of a tick may NOT mean that an activity is part of a job - but merely that the box was not ticked. There is also the possibility that respondents, being new to the job, did not know whether an item was or was not part of their job and the questionnaire form did not allow for this possibility.

The second part of question 10 may have failed in its intent because TWO ticks are needed for analysis of this question. In the other questions a missing tick did not necessarily mean that analysis could not be done. But in question 10, failure to tick EITHER the "importance" box OR the "needs development" box had the same result as failure to tick BOTH boxes. There would seem therefore to be an in-built bigger failure rate in question 10.

One possible difficulty in this question could be that, a respondent knows that a particular activity will be part of the job, and that they will need development in it (because they know nothing at all about it), but this lack of knowledge also means that they do not know how *important* a part of the job it will be. They are therefore unable to place a tick for "importance" correctly and so by asking for too much, the questionnaire ended up with no answers at all.

As question 10 was the main part of the questionnaire, another means of ascertaining training needs was required: one that overcame the problems discovered and discussed above. Two possible solutions suggested themselves. One was the production of a profile of training needs, which would need only one tick to show the training gap for any individual activity in the Primary Legislation job, the other was to run a workshop for the tutors involved in the training course on Primary Legislation, (some of whom had been the original sources of knowledge for the interviews and others who had completed the questionnaire), to support them in making changes they felt necessary in Primary Legislation training.

The original interviews had produced a wealth of information on the activities included in Primary Legislation. This had been validated by a check-back to the interviewees and the pilot survey. This together with the response to question 13, which asked for the 6 major areas of work to be ranked in order of importance to the job over the coming 12 months, indicates that the major areas of work in Primary Legislation shown in the questionnaire seem to be accepted as correct by the majority of respondents. The challenge then was to find another way of assessing training needs in Primary Legislation, using the original activities but finding a new way for respondents to assess their training need.

The original intention for analysing question 10 was to use the four ratings given to "importance" along with the four ratings of "needs development" to produce 3 areas of training priority - high, medium and low. The way this would have been done is illustrated below.

activity

Importance to Job				Needs Development			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	1	2	3	4

Case 1 - high priority

A tick in either box 1 or box 2 for "importance", plus a tick in either box 1 or box 2 for "needs development" would count as a **high priority** training need.

Case 2 - medium priority

A tick in either box 3 or box 4 for "importance" plus a tick in either box 1 or box 2 for "needs development" would count as a **medium priority** training need; as would its obverse, a tick in either box 1 or box 2 for "importance" plus a tick in either box 3 or box 4 for "needs development".

Case 3 - low priority

A tick in either box 3 or box 4 for "importance" plus a tick in either box 3 or box 4 for "needs development" would count as a **low priority** training need.

(The example shown above is case 2 - a **medium priority** training need.)

Profile

As the difficulty with Question 10, at that time, "seemed" to be that respondents had difficulty deciding both, which areas of Primary Legislation work were the most important, and the training needs for those areas, it was decided to try a different tactic. The part of question 10 which was useable showed that the great majority of Primary Legislation "activities" which had been culled from the interviews, had been validated by the answers to question 10. The difficulty was to use those and find some measure of people's training needs for these areas. It was decided to produce a "profile" which would contain the activities and also just one box to show training needs for each one. This meant combining the "importance" and the "needs development" boxes to produce one measure. It seemed that the measure would therefore be a competence one, one of how well a person was already achieving in that area and some means of letting them choose *how far* their "competence" needed to be improved.

The profile and its production are discussed in chapter 11.

At this point in the research, it was still thought that people would be able to articulate their own training needs, provided the correct means of allowing them to express those needs could be found. Having tried the profile (see chapter 11) it now seems that it might have been better to try using question 10 as the basis of a diagnostic testing exercise. This could be tried at a future time.

Chapter 11

The Profile

Abstract. The previous chapter outlined problems with obtaining information from the questionnaire and proposed using a different method, a competency based profile, to obtain information on training needs. This chapter covers the need for the profile, its production, use, difficulties, and problems and discusses the outcomes and any possible future use. A copy of the profile is included as Appendix 5.

The discussion of the Training Needs Analysis, has related that question 10, the main part of the questionnaire, was not completed correctly by respondents and has postulated some possible reasons for the non-completion. Another means of ascertaining training needs was now required: one that overcame the problems discussed previously. One possible solution considered was the production of a profile of training needs, (using the job activities from question 10 of the questionnaire) which would need only one tick to show the training gap for any individual activity in the Primary Legislation job.

The actual areas of work contained in question 10 were thought to be correct because:-

- ♦ the original interviews had produced a wealth of information on the activities included in Primary Legislation, based on the many years' experience of the interviewees ;
- ♦ these had been validated by a check-back to the interviewees and the pilot survey on the questionnaire;

- ♦ the only part of question 10 which provided useable data was the part/not part of job;
- ♦ the response to question 13, which asked for the 6 major areas of work to be ranked in order of importance to the job over the coming 12 months, gave equal importance to them all the areas, suggesting that the main areas of work were correct.

This would seem to indicate that the areas of Primary Legislation work shown in the questionnaire appear to be accepted as correct by the majority of respondents. The challenge then was to find another way of assessing training needs in Primary Legislation, using the original activities but finding a new way for respondents to assess their training need. Any new method had to be both simple to understand and quick to complete for respondents.

Profile

As the difficulty with Question 10, at that time, "seemed" to be that respondents had difficulty deciding both which areas of Primary Legislation work were the most important, and the training needs for those areas, it was decided to try a different tactic. The part of question 10 which was useable showed that the great majority of Primary Legislation "activities" which had been culled from the interviews, had been validated by the answers to question 10. The difficulty was to use those and find some way of measuring people's training needs for these areas.

It was decided to produce a "profile" which would contain the activities from question 10 and also just one set of boxes to show training needs, instead of two sets of boxes for each activity. This meant combining the "importance" and the "needs development" boxes to produce one

measure. It seemed that the measure would therefore be a competence one, one of how well a person was already achieving in that area. It also had to have some means of letting them choose *how far* their "competence" needed to be improved. This would be an improvement on the questionnaire measuring scale which asked respondents to assess "how much development they needed" but had no way of showing at what level they currently stood.

Profile Design

A profile, produced using some of the information from the original work should keep the "activities" already produced and verified for the questionnaire, apart from the two which were ticked as "not part of the job" by more than half of the respondents. (These 2 activities had to be specifically denoted as "not part of the job" by respondents ticking a box, so there is not the same problem about "appearing to choose", or inertia, which is described in the chapter on *learning points from the questionnaire*.) Any new profile should have a tick box for respondents to confirm which activities were part of any individual's Primary legislation job, (tick "in", rather than tick "out") and it was decided to use a "competence" based approach to ascertaining training needs, with 4 possible levels of achievement for each activity: level 1 beginner; level 2 - learner; level 3 - competent; and level 4 - tutor/leader.

The competence levels were defined briefly as: level 1 - beginner - little or no knowledge of this activity; level 2 - learner - can do this with some assistance from others; level 3 - competent can do this with little or no assistance and level 4 tutor/leader - able to help others with this activity.

		Activities necessary to MY job in Primary Legislation	Level Achieved
		<input type="checkbox"/>	1 2 3 4
1	Initial consultations with interested organisations	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2	Preparing Policy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
3	Writing Instructions to Legislative Counsel	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

The accompanying text for this diagram gives instructions that a tick should be placed in the column headed "Activities necessary to MY job in Primary Legislation" for each item in which the respondent will be involved. And then, for each of these items, the "Level Achieved" boxes should be shaded in to show their level of competence in those necessary areas, level 1 being "beginner", etc. The respondent is then asked to tick the level of achievement which they need to work towards.

Figure 12, example of some items from the profile of achievement in Primary Legislation.

In order to ascertain training need, respondents would be asked first of all to tick those activities listed in the profile which were part of the job and to add any not listed. Then they would be asked to assess their competence level for each activity (by shading in what they thought their level of achievement was) and to indicate how far they wanted to reach on the competence levels (by a tick). For instance, one person might be at level 1 on some items and level 2 or even 3 on others. If they decided that they wanted to reach level 4 for all items that were part of their job, then areas where they were already at level 3 would be low priority for training (because, it is assumed, once a person has a certain level of knowledge, it is much easier for them to acquire more knowledge in that area than it is for someone with no knowledge of an activity to know just where to start out), while activities where they were at level 1 would be high priority. In other words, the distance or gap between where they were and where they wanted to be, would indicate the training need the bigger the gap the bigger the need and the greater the priority which should be accorded to it.

Difficulties with measurement

The questionnaire used two different measures for each activity - *how important that activity was to the job* and *how much development someone thought they needed* in that activity.

Respondents appeared to find this difficult to complete.

Using a profile and a competence-type measure, however produces its own difficulties for the training provider:-

- For instance, the gap between level 2 and level 4 is exactly equal to that between level 1 and level 3 - should these be treated as being of equal priority?
- Figure 12 above uses boxes - both as areas for the respondent to tick - and as a way of indicating the level of training need: however, the "difficulty level" in moving from level 1 to level 2 may be much greater, (or much less), than that of moving between levels 2 and 3, or 3 and 4. English speakers for whom English is a language learned at school have told me that English can be an easy language to learn at first; there are no "genders" or "cases" to worry about (an "easy" move from box 1 to box 2); with further study however, (moving from a basic level, to a fluency level) comes a big learning problem - the number of verb tenses in English. Apparently there are 14, far more than in many other languages. (A "difficult" move from box 2 to box 3.)
- A different kind of problem may lie in assessing the priority where one person wishes to progress from level 1 to level 2 on one activity, while another person wishes to progress from level 2 to level 3 on a different activity. If resources are finite, then which training

need receives priority? The same question can be posed where 2 people wish to progress from level 1 to level 2 on different activities - which receives priority?

The first thoughts on these problems are:-

- ♦ Where these gaps are for the same activity, I believe the answer to this point lies in the fact that levels 1, 2, 3 and 4 for any one activity, are steps on a staircase, points on a continuum. Depending on the kind of training available, one person may progress from level 1 to level 2 after the training, while another will progress from level 2 to level 3, with the training "event", so that for one activity, these will be of equal priority.
- ♦ Where the activities are different, perhaps the answer lies in the numbers of people wanting to do the same thing, ie, the greater the numbers, the greater the priority.
- ♦ The final point to be considered here is that, all things being equal, which they never are, it should perhaps be that the person starting at the lowest level should receive the highest priority, as this enables them to contribute in their chosen areas with much less support than previously; and next priority should be those moving from level 3 to level 4, as the more people who can train others in legislation, the easier it will be to meet training needs.

Profile production

The profile was produced, with the activities from the questionnaire on two facing sheets, instructions on how to complete it on the front and items such as books or courses available, listed on the back cover, together with a blank area for "free comment".

Profile - Proposed Use

It was intended to use the profile both as a means of assessing training need and as a way of assessing the effect of training on people involved in Primary Legislation. Previously, the population for completing the questionnaire had been drawn from a list of people, "known" to the central legislation-programme managers (CentSec) as being involved in Primary Legislation. These people were already involved in legislation (this is how CentSec had their names) and were not necessarily seeking training. This time it was decided to obtain the population for completing the profile by using people new to the Primary legislation area and who were currently seeking training. They should therefore have training needs, while the previous group might not have had any specific training needs.

The main way of assessing training needs in the Primary Legislation area had remained - the number of applications received for the Primary Legislation course. All people moving into the Primary Legislation area heard about this course, either from their managers or colleagues, or legislation Liaison Officers or by phoning the Management Development Centre (MDC) to enquire whether there was any training available. The course was always advertised in the prospectus and enquirers were sent a copy if they did not already have access to one.

The course continued to be run once or twice a year, with 15 - 20 people applying to attend. The applicants were a mixture of people brand new to legislation and those with considerably more knowledge, whose managers thought they "should attend" because of the interest in the course from top management in the NICS.

It was expected that, by issuing the profile to all applicants for the Primary legislation course, that the "training needs" for a group actually seeking training could be ascertained, by considering whether any particular "activities", common to a number of people, also had large training gaps.

In addition, by reissuing the profiles at intervals, for recompletion, it was thought that any change in the competence levels could be seen and related to course attendance/ time in the work area, etc, allowing judgements to be made on whether the Primary legislation course had any effect on competence levels. With a time series of "snapshots", of competence levels, it might have been possible to see whether competence increased steadily over time, leaped and plateaued or whether there was any relationship between competence levels and the use of "other" items listed on the back cover of the profile.

Methodology

Once the profile was prepared, it was issued to applicants for the Primary Legislation course, about 4 - 6 weeks before they attended the course and again after attendance.

Results

These were disappointing. Most of the issued profiles were completed and returned with no need for follow-up reminders, (as with the questionnaires. There still seemed to be a high level of interest in helping with training needs in Primary Legislation, even though the population was different) but the profiles could not be used for any kind of analysis. There seem to be several reasons for this:-

- ♦ the issue of the profiles prompted phone calls from a number of people who received them. These were people who had just been posted to a Primary legislation area. The profile was the first item they had seen which actually let them know the areas of work for a Primary Legislation post. They were not too sure what their job would include but "they would try to complete them anyway". The profiles returned after attendance at the Primary legislation course bore no resemblance to those completed prior to the course.
- ♦ for some people, their Primary Legislation jobs changed between issues of the profile, either the stage which their particular piece of legislation had reached had changed, or they had been moved to a different area of work on the legislation.
- ♦ another group who applied to attend the course, and completed the profiles, were already at level 3 or 4 on all their areas of work. This did not change following the course and it would not be expected that any big change would occur in competence levels for people who had been working in this area for some time.

Discussion

Although there was no way of using the profiles for any kind of statistical analysis, there are several points which can be drawn from them.

It is possible, considering both the problem with the questionnaire and with the profile, that people applying to go on the Primary legislation course may be so unacquainted with the work involved that they have **no way of knowing what their training needs are** and in this case,

the profile may possibly have served some kind of training function by giving them information they did not have previously, and which was useful to them (several phone calls, expressed this). The fact that people are unaware of what their training needs might be **until after they have attended** the Primary Legislation Training course may also be related back to the poor completion of question 10 of the questionnaire (although some of *those* people might well have attended the course prior to receipt of the questionnaire - this information was not collected at the time, neither was there a pre and post application of the questionnaire.) This, I think, is an important point, when considering reasons for poor or non-completion.

On the other hand, 44% of those who returned the questionnaires completed the "free comment" area at the end of the questionnaire. Most of the comments there came from people who had some experience in working with Primary Legislation, whether or not they had attended the course, so there may be a problem that, even those who have some knowledge of Primary Legislation, find it difficult to assess their training needs. Not all questionnaires were incomplete at question 10, however, at the time the summary was completed, it was not noted whether there was any correlation between completion of question 10 and provision of comments at the end of the questionnaire.

The original interviews which led to the production of the questionnaire were with people who were well aware of what legislation was, what people's training needs would be and how, with hindsight, they had acquired their own knowledge. Although the information on which the questionnaire and profile were based, may be valid and correct; using a questionnaire or profile based on this kind of information may not be suitable where people have a new, complicated

and highly intellectual skill to learn. The original interviewees knew what was needed for people new to legislation, the new people themselves did not. This point could be related back to the discussion on Open Learning, where learner support was considered to be an important part of open learning. Using the knowledge of experienced people to produce a learning package could be an important way of supporting newcomers to the area, before they are able to determine their own training needs.

At this point, no training needs have been determined for the people involved in Primary legislation, either from the questionnaire, or from the profile.

What perhaps could be taken from this, however, is that, where the training for a new management skill, (one that includes such previously unknown and unconsidered facts and skills of such a high intellectual order) is concerned, it may be necessary to pay more attention than usual to someone's induction into the area. It may be necessary to give them a certain amount of information, skills and practice first and then only subsequently determine their personal training training needs. This may be an area for further study.

Although not now, because of the lack of results, currently, a part of this project, it may be profitable to persevere with the profile, in the future. It has been based on information provided by experienced people and although the use to which it has been put has not produced any of the desired outcomes, the reasons for this are not yet known. At present, although it is known that both the profile and question 10 of the questionnaire have not collected the data desired; and some possible reasons for this have been advanced, nothing positive can be said,

as there is insufficient information on which to base a theory. Any future use will need to be considered carefully, based on the possible reasons for a lack of success given for the questionnaire and the profile itself. Possibly, the Profile could be adapted as an induction for beginners to Primary Legislation, giving newcomers an idea of the areas involved and then, subsequently, used as a measure of progress towards the person's desired outcomes. A copy of the profile is included as Appendix 5.

Chapter 12

Discussion of situation

Abstract: This chapter draws together the areas discussed so far and the attempts to use open learning in the context of skills training where the knowledge base is of a high order, and goes on to use the lessons learned in another, similar, area. The results of this are evaluated, using the model from the evaluation chapter.

Summary

So far, this thesis has presented the background to the Primary Legislation course and the original problem posed - summarised loosely in Chapter 1 as, "find a different way of giving civil servants the same, or more, skills and knowledge as they got from the course and a possible solution; to use Open Learning as a means of doing this".

The thesis has considered definitions of open learning, effectiveness and evaluation. The usual means of determining training needs, a Training Needs Analysis, as a preliminary to designing ways of meeting those needs, was carried out. The areas involved in working with Primary Legislation were found: however, the *training needs* for those areas have not yet been ascertained through the means used, and it has been postulated that people new to working with Primary Legislation are so unaware of what is involved in this area, that they are unable to determine their own training needs at the start (that is, that they are unable to give informed learner input) and need some background information (perhaps some means of induction to this area of work) before being able to determine their own training needs.

However, information was gathered from an area of the training needs analysis, which had not originally been expected to yield much information, and which has not yet been discussed - the "free comment" area at the end of the Primary Legislation Questionnaire. Twenty four respondents made comments in this area, 44% of those returning questionnaires. Equal percentages of those "currently involved" and those "not currently involved" with Primary Legislation commented here. Most of the 24 who commented had been working with legislation for a considerable time. Their comments therefore could not be considered to come from inexperienced people. On the other hand, the comments that they make do not cover their own training needs but a wide range of issues connected with Primary Legislation, including training provision for the NICS. The comments from this area were gathered together and collated into 10 sections covering: Knowledge; Involvement of Others; Kinds of Involvement; Course Benefits; Blue Book; Kinds of Training; Departmental Legislation Arrangements; Wants/Needs; Personnel; and "Other" Comments. They do not fall within the remit of this study, however these comments are an important, unexpected outcome from the Training Needs Analysis. They are given in Appendix 4, to show the range and depth of information gathered. It is not proposed to analyse these in depth here, although some of the comments have been used to improve training provision. These comments as a whole, however, formed the basis of a paper presented to the Legislation Monitoring Committee, giving 3 options for upgrading the whole legislation area within the NICS. Departments considered these and the consensus was that option 2 offered the best way forward. This, again, is outside the remit of this study.

Despite being unable to use the training needs analysis to determine training needs for people involved in Primary Legislation, the comments formed a very useful, though unexpected, outcome from that exercise.

Following the realisation that neither a Training Needs Analysis, nor the profile, seemed able to ascertain the "Training Needs", the way of meeting Primary Legislation training needs seemed to be to "prescribe" them in a course - perhaps not a very "open" way of training, although it is by learner "choice". The vast majority of people new to the Primary legislation area wanted to keep the Primary Legislation course and just have it updated. This was the basis of most of the course assessments at the end of Primary Legislation courses (that is, informal "summative" evaluation by those needing training considered the course worthwhile, while informal "formative" evaluation considered it needed updating.). They found that it gave them confidence, knowledge and let them meet both fellow legislators, and, perhaps even more importantly, the people from Central Secretariat and OLC who would be dealing with their legislation. These points were foreshadowed even in the course assessments from the first two courses run immediately after the 4 year hiatus. For instance, those who commented on the possibility of a distance learning format for this course were opposed to it because the "benefit of the course was to meet Central Secretariat and OLC" (Appendix 1) or, (in Appendix 2,) stating that the course was good because it was tutored by practitioners. By the time of the second course, which was only a few weeks later, even the tutors, who had originally wanted the course put to another format, were considering how the "course" could be improved and their comments subsequently were on the lines of "since the course started running again, we have had improved communication/ comments/ questions from people involved in preparing

Primary Legislation". It would of course, have been possible to put the "learning" about Primary Legislation into one format and have meeting and networking arranged separately, however, there was no push for this.

This push by trainees and tutors to keep the course, probably points up the possibility that course members, not knowing anything about open or distance learning, prefer to keep the known, (training courses) rather than venture into the unknown (open or distance learning). Keeping the course alone, does not however, meet the need for "just-in-time" training. Again, lack of knowledge of their own training needs, could deprive learners of something that could help them. It would be perfectly possible to have both a distance learning package, which meets the timing need by providing basic information on primary legislation precisely when it is needed, and the course, which provides support and networking when there are sufficient numbers to justify its provision.

Background to Subordinate legislation Course

It was at this point that the Subordinate Legislation course became the responsibility of the same trainer/organiser. The Subordinate Legislation course was very similar to the Primary Legislation course:-

- ◆ Subordinate Legislation puts the "flesh" to the "bones" of Primary Legislation;
- ◆ background knowledge needs are similar;
- ◆ the Subordinate Legislation course was tutored mainly by administrators who were practitioners in Subordinate Legislation, with guest speakers from Solicitors Branch;
- ◆ this course had been running for some time, it needed refreshing, and updating.

The question at this point was, following the experience of trying to assess training needs in Primary Legislation, what could be done differently for updating the Subordinate Legislation course, a similar area, with, presumably similar needs and possibly a similar result if a Training Needs Analysis were to be attempted? With the experience of the Primary Legislation questionnaire and the profile, there seemed little point in trying either of those routes.

However, the "free comment" area of the questionnaire had shown that there was interest in the legislation area, not just by individuals wanting to get training but also on the part of more experienced people, to pass along their experiences to newer legislators.

This was also the point at which to consider what had been learnt from the study of open learning. Even if a "package" alone, was not wanted by respondents (because people still preferred attending the courses. [And this does not preclude providing a distance or open learning package as an addition.]), there are other parts to open learning than choice.

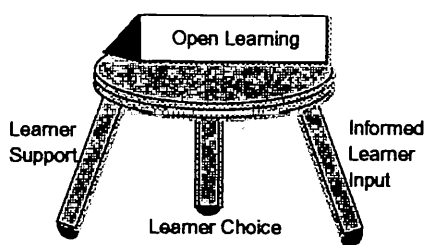


Fig. 9: The three supports for Open Learning

Open Learning, in Chapter 4, is considered to be based on three "legs" or supports:- Learner support; Learner choice and informed learner input. (Figure 9 is reproduced here.) Learner choice, as far as Primary Legislation was concerned, had been exercised (at least by those who had been asked), in favour of retaining the training course. (People currently requiring training, will not, at the moment, be asked for their choice.) From the questionnaire and profile results, as discussed above, it was a possibility that, with a complicated area like legislation, people new to the area needed to "find their feet", with a practical course aimed at providing what they needed to know to get started; giving them confidence in their ability and knowledge; an overview of the legislative area; and, some contacts who could provide reference points for the future.

Learner support and informed learner input are the other two supports for open learning. But if, as has been suggested, those wanting training in Legislation (Primary or Subordinate) have very little knowledge of their own training needs then "informed learner input" would be unlikely, prior to attendance at the course. Informed learner input might well be improved or speeded up by extending beginners' knowledge of the legislative area, so that "informed learner input" would be possible for any training needs at the level subsequent to course attendance.

Experienced legislators had appeared very willing to talk (or write) about Primary Legislation and how the whole area of legislation provision could be improved: it was possible that the same would be true for subordinate legislation. This left, the third support for open learning - learner support. The trainer/organiser of this course cannot provide learner support in the legislation area, not only through lack of knowledge and practical application of the procedures but also by sheer weight of numbers. The only people who can provide support for the learners, apart from their managers, are the course tutors, and their fellow legislators (networking) so it was decided to try and support the course tutors, to enable them to support the learners better. It was conjectured that, support for the tutors would contribute to an improved course and this would provide better support for the learners.

The "scientific" method of assessing training needs had not produced many results, though it had led to a great deal of learning about what did not work. With such a useful response from the "free comment" area of the questionnaire, it suggested that more "humanistic" methods of determining training needs might get more results. Any possible, subsequent results could perhaps always be assessed by "scientific" means.

The Subordinate Legislation course had been running as a 2 day course for some years, using several experienced legislators as tutors, however, the number of tutors was dropping, leaving just a few "stalwarts" who were, understandably, getting tired of being the mainstay of the course, and some tutors were seen as "lecture readers" - knowledgeable, but hard for learners to learn from. There are far more people involved in Subordinate Legislation, than in Primary Legislation and there is just as much pressure on these administrators, if in a different way,

because in Northern Ireland they are expected to draft the Subordinate Legislation, (In Primary Legislation, they write "Instructions" to Legislative Counsel, which are then turned into correct legislation.) with support, advice and guidance from the departmental Solicitors. Subordinate Legislation is termed a much more "immediate" experience by those people involved because time scales are shorter and they draft the legislation themselves, as opposed to checking draft legislation returned from the OLC against the Instructions originally sent.

More tutors were needed for the Subordinate Legislation course, both because the number of tutors had dropped and, with a big need for training (larger numbers), there was a need to spread the load of training, as far as possible, across a number of people, all of whom would have their own, busy, legislative jobs to do as well as tutoring. Previously, individuals had been approached to do training and had then been coached by the organiser in how to run the course. It was decided this time to seek the help of top managers in finding tutors. There were several reasons for this:-

- some departments were using the subordinate legislation training courses for training their staff but were not providing tutors, so that there was an unfair spread of the tutoring load across departments;
- By seeking support at the highest levels, it was hoped that more managers would be prepared to release possible tutors and that this would also give an impetus to the tutors to help upgrade the course;
- tutors who were already involved in training, both in Primary and in Subordinate Legislation, felt that their own managers did not give them credit for their tutoring work,

in that they had to make up any extra work lying on their desks on return from courses, in very short time;

- tutors also felt there was little understanding by their managers of the amount of time and effort needed to run a training course;
- by spreading the tutoring load over several departments and over a number of tutors, it was hoped to build up a "pool" of tutors, with interchangeability, to allow flexibility in running training courses;
- it was hoped that tutors would benefit from the experience of working with legislators from other departments, learning the differences between departments, as each department has slight differences in the way it prepares Subordinate Legislation.
- by obtaining a number of new tutors, all at one time, it was hoped both to produce a group who could work well together, because they were all at the "same stage" in the tutoring process and to stimulate group responsibility for the course, rather than have the course seen as an MDC responsibility. It was also expected that this would lead to a "better" course being produced from the stimulus of debate between tutors.

Writing to departments at top level is something to be done only rarely, it usually produces good results, as the effect of a letter coming "down the line", endorsed by a top manager, usually is sufficient to obtain the desired result and this should not be overused. It was therefore decided to use the same letter to seek tutors for the Primary Legislation course also - this would produce a larger population of tutors, and might help to get that course finalised plus making any possible courses needed to support the tutors more cost-effective. The letter, asking for help in obtaining the names of experienced legislators who would be capable of

passing on their information to others, was also copied to TDOs and the various professional heads of legislation, for information.

From the circular letter, eight tutors were identified for Subordinate legislation and 4 for Primary Legislation.

Methodology

All tutors, those for both Primary and Subordinate Legislation, including those from CentSec and OLC were brought together in a facilitative workshop to decide on whether the Primary and Subordinate legislation courses should still be run and if so, what they should contain. The courses were unanimously considered essential and subsequent discussion was based on the relationship between Primary and Subordinate Legislation, what each, in general should contain, any overlaps, or areas that could be removed from the current courses, and how the tutors could ensure that the two courses "dovetailed".

The groups then split up to discuss their respective courses in more detail, and the outcome of the first meeting was that Primary legislation tutors agreed that the Primary Legislation course should remain at 2 days (to keep time pressure, on tutors being away from their desks, as low as possible) but become residential to allow for evening work, whilst the Subordinate Legislation tutors decided to keep their course non-residential, extending it from 2 days to 3 days. It was also jointly agreed that a new short course, "Introduction to Legislation" was needed. Several reasons were given for this:-

- ♦ some people attend the legislation courses for background information on legislation only - the information is necessary to their work - but they do not actually need specific drafting skills. It was thought that this would cut down on the numbers needing to attend the legislation courses, especially the Primary Legislation course.
- ♦ It was also thought that this would provide a good, short, introduction to legislation for senior managers, who may be put into a managerial position over legislators, but with little or no knowledge themselves. This would provide them with some necessary background without them having to attend the full course.
- ♦ It was realised that it would take some time to get the new Primary and Subordinate legislation courses running; while a new introductory course could be purchased and run much more quickly, providing some background immediately for those desperate for knowledge.
- ♦ the background information would take some of the pressure off the beginning of each course, though more from the Subordinate than from the Primary Legislation course. It was also agreed that this course should be taken by a specialist outside tutor, rather than adding to pressure on inside tutors, because it would give non-civil service-specific information about legislation. This course, it was thought, would be a useful background/starter for any of the legislation and policy courses offered by MDC.

All the tutors agreed to design their courses, knowing this training would be available to course participants. They emphasised that it would be necessary to ensure that this short course was available and run; and offered to each course participant *prior* to attendance at any legislation course. They also asked to sit in on this course when it was running, so that they would know

what it contained (as it would be run by an outside tutor). Tutor support had therefore already contributed to learner choice, as this course would extend the choices available.

Course Choices

The "Introduction to Legislation" course was subsequently discussed, designed, purchased and run (beginning January 1994) as a half day course, using a constitutional lawyer from one of the local universities. All applicants for the Primary and Subordinate Legislation courses were written to and advised of the necessity to attend this course before going on the main course. Departments were also advised that this course was available to anyone who needed basic constitutional/ legislative knowledge. Applications for the course exceeded 60 within a few weeks of it becoming available and the course continues to run successfully, with over 100 people attending so far, and a steady flow of applications continuing to arrive. Course assessments only, (reactionnaires) have been used to assess this course and all have been very favourable. Course members have attended for various reasons, not only because it is a preliminary to the main legislation courses but also including senior managers and more junior staff, none of whom needed the main legislation courses but who needed a background to legislation for their jobs.

As well as an introductory course on legislation, some of the course assessments from Primary legislation courses expressed a need for a course on "Writing Speeches". This also was offered and run. There is a much smaller need for this course, as only those involved in Primary Legislation need to write speeches. The other area of need raised in the course assessments and also in the "free comment" area of the Training Needs Analysis was that of seeing Parliament

on a visit, before attending from necessity. A course was offered here and a few applications have been made but not sufficient to justify running this course.

Methodology (cont)

The groups split up following this meeting and several further workshops were held at regular intervals, separately for each group, each one facilitated by a trainer, to thrash out course content, exercises and presentation. The tutors were also offered the opportunity, near the start of the group meetings, to attend a presentation skills course to help them with: information on how to present a course; to give them confidence in their own presentation skills; and some ideas on use of the OHP (overhead projector) etc. The course was offered to all legislation tutors (both those from Primary and those from Subordinate areas), including legal staff and CentSec. This course was run twice to cater for demand.

Eventually, the Subordinate Legislation tutors split into 4 pairs. The complete team of 8 considered the original course programme and then decided, as a whole, how the course should run, what it should contain, add or leave out and, together with the facilitator, how it should be presented. Each pair then took responsibility for a particular part of the course and produced the necessary tutors' notes and exercises for it, then disseminated these to the other pairs. Some of the exercises from previous courses were retained, others were newly designed specially. Solicitors, who have an important professional input to the course, were kept informed of the programme content, design and rationale. (There is one other guest speaker on these courses and he too was kept informed of progress.) Each pair eventually teamed up with a particular solicitor. The Solicitors were invited to one of the meetings near the end of the series, to

ensure they were kept fully informed of progress and the draft programme and background notes sent to the Head of Solicitors' Branch.

Evaluation considerations

At this point, it was necessary to begin thinking of how to evaluate the Subordinate Legislation Courses. No training needs analysis had been done, so no measurement of whether the course applicants' training needs had been met could be made. It was known that the course was wanted - by the number of course applications plus enquiries about when it would be ready. The course had been designed by experienced legislators who knew what needed to be done in order to produce a piece of legislation and the course aim had been discussed thoroughly right at the start of the workshops, together with the means of passing on knowledge. There had been criticism of some previous course tutors and their presentation methods, and the presentation skills course held for tutors, together with discussions with trained trainers were designed to help inexperienced presenters understand how to pass on knowledge, both through good presentation skills and through exercises and discussion. There are several ways of producing Subordinate Legislation in Northern Ireland and the tutors felt that it would be best to produce a course which covered the most common way. They felt that an extra module could be produced later, if found necessary, to add the extra information needed for the other methods. The course aim was therefore seen as "To give course participants the necessary skills and knowledge to enable them to produce Subordinate Legislation for Northern Ireland from the relevant piece of GB legislation". (The other ways of producing legislation, which, it was considered could be covered in a "bolt-on" module, would cover EC legislation and legislation unique to Northern Ireland.)

In the chapter on evaluation, several questions were used as a framework for evaluation, It will be useful to go through these here.

Why evaluate?

Several reasons are given for evaluating: to assess whether the original objective is being achieved; to assess whether this was actually needed; to assess cost-effectiveness; and to assess whether the training has had an effect in the work place.

Who should evaluate and who is it for?

This point has already been discussed in detail. This project is about evaluation in the context of the use of open learning and results will be made available to the NICS.

What should be evaluated?

There are many ideas on this, however, for this exercise, I believe that Herman, Morris and Fitzgibbon's quote "program evaluation requires the collection of valid, credible information about a program in a manner that makes the information potentially valuable", (op cit) is the most useful. What is needed here is, I believe:-

- ♦ an assessment of whether the work put into producing the new programme has been valuable and worthwhile - some cost-effectiveness measure will be needed here, (summative evaluation)

- ♦ some information on whether, and to what extent, "openness" has played any part in the production of the course. Lewis, when speaking of open learning as a continuum, rather than an 'all or nothing' entity says that, "openness is a relative concept...." (op cit) and encourages his readers to review their options for opening up courses. This course has used "openness" in perhaps an unusual way, by concentrating mainly on the support area. Has it worked - can this be shown?
- ♦ whether course participants are able to do their jobs any better as a result of attending the course.
- ♦ an assessment of the course itself, its content, methods etc (formative evaluation).

How should it be evaluated?

Again, there are many ways of evaluating. My preference is to use Kirkpatrick and Hamblin's model with its four categories: Reaction; Learning; Job Behaviour and Organisational Change, as this fits well with the way in which the course was designed.

Evaluation Methods

Arrangements were made to draw up a special "reactionnaire", that is, a course assessment form, designed specially for the Subordinate legislation course, seeking participants' immediate reactions to the course. A follow-up form was also designed, for issue to participants some weeks after course attendance, designed to try and tease out Job behaviour changes. As discussed earlier, with Primary legislation, Organisational Change would be very difficult to measure.

Tutors are not normally asked to complete questionnaires on the courses they run, however, in this case it seemed essential. The tutors had been the recipients of an intense series of workshops, designed not only to help them become tutors, design a worthwhile course and enable them to pass on expertise to colleagues but also intended to help them: work together as a group, supporting each other; and encourage networking among those attending the courses. This method of designing the course was also based on the premise that open learning could help improve courses in cases where training needs analyses could not be done, by supporting tutors with experience in the relevant area to design the course. Whether the support had worked, needed to be tested out. In addition, the tutors themselves also requested a follow-up meeting to be run after the first four courses, before any further courses in the series were run, in order to assess the first courses and decide any changes, if necessary.

The Assessment forms

Copies of the reactionnaire, the course follow-up sheet and the tutors' assessment sheet are at Appendix 5. These were designed specially for this course, to try and assess whether the points mentioned above had been achieved, however, they are also sufficiently broad, that with suitable slight modifications, they could be used to assess many other similar kinds of courses.

The "Reactionnaire"

The course reaction form was designed to try and determine whether or not the new course was meeting needs. In order to summarise the forms easily, some method of constraining answers is needed, however, as already discovered in the Training Needs questionnaire, more valuable information is obtained by allowing people free comment. In addition, by providing "tick"

boxes only, it was believed (from past experience in other courses) that many participants opt for the easy method of deciding an overall level and running the pen down that column. It was decided to try and include both ways of obtaining information on the form, so that it could be easily summarised and also, so that participants would have to consider the answers to open questions and "good" information could be obtained.

Training Needs, as already discussed for Primary Legislation, were not assessed before the course, so the first part of the form asked course participants what their objectives for the course had been - adding an explanation in parentheses, that this could mean, "what they expected to get" from the course - and gave them space to put in up to four objectives. (There is an argument for asking participants to decide on these prior to the course or at least, at the start of the course. This was not done here, however, because the course was brand new, and it was felt that the new tutors had enough to do without considering other objectives at the start of the course. They were each prepared also, to answer any questions that arose during the course, in case anyone needed an extra point covered.) The outcome of the course, also, was not to decide whether each participant's objectives had been met, but whether *the participant believed* that this had been so. For summarising purposes, the *number* of objectives mentioned were counted, as this seemed a possible indicator of interest in the course (on many courses, participants have as their sole objective, to find out more about).

The next question asked whether the participant's expectations had been met, giving 4 possible choices; 'Yes completely', 'Yes, quite well', 'Yes, to some extent', and 'No'. This could be summarised by adding the number of ticks for each choice.

The third question covered relevance to the participant's job. This was a "free comment" area, with no constraints put on the answers, however, on considering the returned assessment forms, comments fell entirely into 2 groups: "totally relevant" (the comments put into this group included completely, 100%, entirely, essential) and "some" relevance, (the comments included in this category were such as, "this is only a small part of my job", "for background knowledge only"). A further category was added, that of "no relevance", for assessment purposes.

Question 4 could also be considered to be related to the relevance of the course to a participant's work, as it asked when they would have the opportunity to apply the skills and concepts. Again, it was left as an "open" question, with no constraints and the actual answers used to decide categories. In this question, the answers fell into 3 categories; immediately, soon and "knowledge only".

Questions 5 and 6 covered the most and least valuable aspects of the course. They were "free comment" areas and much harder to categorise for summary purposes. It was decided, for summary purposes, to count the number of aspects mentioned by participants. Only one comment was sought in each area, so it was considered that, where a participant made more than one comment for these questions, that they had been sufficiently motivated (either positively or negatively) by the course to make these comments.

The final part of the "reactionnaire" asked for "free comment" on the course as a whole. The commentary for this question gave a few suggestions for areas where comments could be

made, but emphasised that constructive comment in any area would be welcome. For summary purposes, it was decided to count the number of comments made and assign them to categories of "positive", "negative" and "neutral". The neutral category was introduced to cover comments on, for instance, canteen arrangements, over which the tutors had no control or areas which (although they would be part of the 'context' in a different method of evaluation) were not relevant to the course content and teaching methods.

A copy of the reactionnaire and the summary of 41 reactionnaires from the 42 people who attended the first 4 courses are in Appendix 6. (One person left the course early for personal reasons and did not complete the reactionnaire.)

Course follow-up assessment

Course assessments, or reactionnaires *by themselves* are not useful for evaluating courses. They can be affected by many things, such as canteen problems, how participants felt on the day and even a guest speaker who has not performed as well as the tutors. These are all important points which need to be considered, (after all, if there is something wrong at this level, it may affect participants' desire or ability to learn from the course) but as part of an overall view of the course. Moving up the Hamblin /Kirkpatrick model, (the Reaction, learning, job behaviour, organisational change model), the next level is learning. This covers what participants have actually learned from the course and should be assessed at the course. A quiz, devised for the "old" course and still relevant, was available for this. A forum or question and answer session is just as useful. It allows the level of learning to be checked informally and adjustments made to knowledge before participants leave the course. It was not proposed to assess the level of learning on any more formal basis than this, as the desired outcome of the course is to enable

participants to achieve their job outcomes, and what they have learned from the course, is, in a sense, incidental to that.

Moving up another level, there is a need to assess not just what people have learnt from a course, but whether they can apply it in the workplace. This is the major desired outcome of the course, expressed in the course aim "To give course participants the necessary skills and knowledge to enable them to produce Subordinate Legislation for Northern Ireland from the relevant piece of GB legislation". This had to be assessed and it was decided to issue an assessment form (copy shown in Appendix 7) to get feedback from participants on whether the skills and knowledge obtained from the course had been applied in the workplace. Various areas needed to be considered and in order to be able to summarise these, it was decided to use "tick" boxes, with a "free comment" area at the end. Also, a person's training needs are the responsibility of their manager to satisfy and it was decided to seek managers' comments on the same form. This had 2 purposes: firstly to encourage managers to discuss the course with the participants, to help both manager and participant decide whether the course had met the participant's and manager's needs and secondly, to discover the manager's thoughts on the value to the branch of the participant's attendance at the course. There are more "tick" boxes on this form than on the course reactionnaire because it was decided:-

- ◆ that specific information was needed in various areas, and free comments might not cover those points, and,
- ◆ summarising job behaviour changes by the number of positive and negative comments made might not give sufficient information.

Free comment areas were included for both managers and participants. From past experience, managers are less likely to make comments than participants and it *may* be an indicator of whether the manager is satisfied (or otherwise) with the effect the course has had on the participant's job behaviour if managers actually complete this box, with something other than, "no comment" or "satisfied". A copy of the follow up assessment form and the summary of the assessments is in Appendix 7.

Tutor's assessment form

The new Subordinate Legislation course was designed using "humanistic" and "open learning" principles. The tutors' assessment form needed to check out whether this had occurred and whether this had had any effect on the tutors and on the course. It attempted to assess each area of consideration right from the process of obtaining tutors, through course revision and tutor support and also sought the tutors' views on whether the course covered everything that was needed to help the participants work effectively on Subordinate Legislation. Although all tutors were involved in designing the course, this question might be a check on whether they all felt involved and whether they felt that there were any areas where they had not been listened to. The assessment form, again, contained a lot "tick" boxes, to ensure that comments or feelings about the desired areas were made. There was also plenty of space left for free comment if wanted. A copy of the Tutor's assessment form and the summaries are in Appendix 8 .

The Subordinate Legislation Courses

Sufficient nominations had been received to justify running four Subordinate Legislation courses - one for each pair of tutors. At one point, it seemed that the course design process was slowing, however, once the course dates were set, there was a renewed impetus to complete all work.

Four courses were run over a period of five weeks in September/ October 1994.

Approximately sixty applicants were invited to the courses and forty two actually attended, of whom forty one completed a course assessment form. More nominations have since arrived and the course will probably need to be run about 6 times a year to keep up with demand.

Outcomes

Four Subordinate Legislation courses were run over a period of five weeks. For each one, the tutors issued and collected the "reactionnaire" form at the end of "their" course. Interest in the content of these forms by the tutors was intense. Each pair of tutors was to run one course and this would be their own work which was being commented on by the course participants. (In the event, one tutor had to drop out because of a bereavement, but another was able to step in at fairly short notice - so the flexibility element worked.) This sheet would assess immediate reaction to the course - the first level of evaluation, according to Kirkpatrick/ Hamblin. A copy of the reactionnaire is in Appendix 5.

A quiz had been designed as an end of course "test" for the "old" Subordinate Legislation Course. It was still valid and a true test of learning for the course. The quiz was always used in a light-hearted way, putting people in teams rather than picking on individuals. Scores were kept for the teams, with plenty of ad hoc "extra" questions, to try and keep scores fairly close. The point of the quiz was to check out learning for the group as a whole, rather than to check individual learning; and group collaboration was encouraged. Tutors were given the option of using the quiz as a course closer. One pair of tutors chose to do so. The others ran a question and answer session at the end of their courses. This is the second level of evaluation on the Kirkpatrick/ Hamblin model. It was not assessed for reasons already discussed.

Job learning sheets were issued about two weeks after the course to assess the effect of the course on the work situation - how the person implements what they have learned. This is the third level of evaluation. Some writers add in an extra level at this point - that of departmental effect and this sheet attempts to assess the effect on the department of the respondent's attendance at the course. A copy of this assessment sheet is in Appendix 5.

Since the courses were run, more applications for attendance have been received. Another course will not be run until after the tutors' assessment meeting, at which the course will be discussed and modified if necessary, in the light of comments from the various course assessment forms. The next course date has been set and the applicants for this will be reminded to apply to attend the "Introduction to Legislation" course prior to attendance at Subordinate Legislation and a date for one of these courses has already been set.

Course Assessment

Reactionnaires

These course assessment forms were completed by 41 out of the 42 course participants. One course member left early for domestic reasons.

The layout of the reactionnaire and the reasons behind this have already been discussed. The results produced are in Appendix 6. They seem to show the following:-

Question 1 - number of objectives set. Of the 41 people who completed the reactionnaire, more than half (24) set themselves 2 or more objectives for this course.

Question 2 - whether the course met expectations. Of the 41 participants, 25 marked the "Yes, completely" area and no-one marked lower than the second tier, "Yes, quite well".

Question 3 - relevance to work. Although this was a free comment area, the comments fell into only 2 categories. Out of the 41 respondents, 37 felt the course was very or extremely essential to their work. Only 4 felt that it was of "some" relevance.

Question 4 - when will you put this course into practice. Again a free comment area but comments fell into 3 categories; "immediately", "soon" and "for knowledge only". Of the 41 respondents, 35 said they would be practising the skills either immediately or soon.

Question 5 - the most valuable aspect of the course. Respondents were asked only for one item and, as discussed, it is hard to summarise these, however, it was considered that, naming more than one "valuable" aspect might be a measure of the value of the course. Of the 41 respondents, 11 mentioned more than one "valuable" aspect.

Question 6 - the least valuable aspect of the course. Respondents were asked to name the least valuable aspect of the course, however, 21 respondents actually specified "none" and only 1 respondent mentioned 2 "least valuable" aspects.

Free Comment area As discussed, it would be difficult to summarise the comments, however, it was decided to count the *number* of comments (as a possible indicator of the level of interest {positive or negative} in the course) and assign them as "positive", "negative" and "neutral". There were 102 comments made by the 41 respondents, 72 were positive, 17 negative and 9 neutral.

Overall assessment. In general, it seems that immediate reaction to the course has been very favourable, with 90% of respondents assessing that the course is very relevant to their work, 100% saying that the course has met their expectations completely or quite well and 85% going to be putting the skills and knowledge to use immediately or soon. Another pleasing factor is that over 50% of respondents were not able/willing to determine the least valuable aspect of the course for them, while 100% were able to mention at least one item which they found the most valuable.

Follow-up Assessments

These were issued to all participants some weeks after course attendance. Returns had, in some cases to be chased up by telephone. A copy of the blank form and the overall assessment is in Appendix 7. Of the 42 follow-up assessments issued, 24 (57%) were returned. Not all assessment forms had every box ticked, however, all ticks placed were counted, so some rows on the summary sheet do not add up to 24.

Of the 24 respondents, 12 (50%) had worked in subordinate legislation for 6 months or less, while the (almost) other half of the respondents had worked in Subordinate legislation for over 1 year. Of the 20 who indicated the length of time waited to attend the course, 15, (75%) had waited 6 months or less, while 5 (25%) had to wait up to a year. No-one said they had to wait longer than this. The upgrading of this course took some time, so it might have been expected that a larger proportion than this of those attending the course had had to wait for up to a year, or even in some cases, over a year. There may be a case here for considering whether some of those who had to wait to attend the course, decided that they no longer needed it and removed their application, although, almost 50 % of those attending had been working on legislation for over a year. On the other hand, "received wisdom" for this course in the past has generally advised those transferred to a legislation post to work with legislation for a while, to gain some experience before attending the course. This may still be necessary as one comment in the free comment box stated that although they had learnt a lot, it was not a course for raw beginners. The "wait" to acquire some experience in legislation may account for the difference between length of time in a legislation post and length of time waiting for the course. Now that the

course will be run regularly again in future, no-one should have to wait longer than 3 months after application, to attend.

Of the 24 respondents, 16 (66%) were male and 8 (33%) female. The grades of people working in Subordinate legislation are generally a little lower than in Primary Legislation but, at these grades within the NICS, there is still a slight preponderance of males over females. This difference may well just reflect the relative numbers of males and females at these grades.

The next part of the assessment sheet contained 12 questions, for all of which a tick, in one column, was necessary to indicate the views on the question or statement posed. The questions covered such areas as: information received and its relevance to the job; use made of information; change in confidence levels and level of help needed; perceived change in job behaviour; and again, (similar to the Reactionnaire), asked for ticks showing the value of the course. Rather than consider each question in isolation, it may be just as productive to consider the ratings given to these 12 questions as a whole, and a few of the areas. Out of a total of 269 ticks in these boxes, 111 (41%) were allocated to the top rating, while 208 (77%) were shared over the top 2 ratings. There were 52 ticks (19%) in the 3rd box, and just 9 ticks (3%) in the lowest box. While this gives a crude "feel good" rating to the course, it is useful to consider the areas where the "high" and "low" ratings are given.

The first 3 questions in this section covered course content, relevance and knowledge gained. The last 3 questions in the section requested an opinion on the "value" of the course using various measures. There were no ticks allocated outside of the top 2 boxes for any of these 6 questions. This seems to accord with the reactionnaires. These could be considered the "feel

good" areas, where, if a course attains its objectives of covering the areas expected, then the course member feels they have received what they expected. (The first 3 questions could be considered to be an effectiveness measure and the last 3 questions, an informal summative evaluation.)

The other six questions attempted to cover the application of knowledge from the course to the job: question 7 covered use of knowledge gained; question 8, the change in the level of confidence; and questions 9 to 12 attempted to assess changes in job behaviour using different measures - help needed, help provided, work changes and "ability" (undefined) to "work" with subordinate legislation. The views on these 6 questions are much more diverse than those for the other questions. Perhaps this is to be expected. Transferring learning to the job is always the most difficult part. In addition, almost half of these people have been working on Subordinate Legislation for a year, along with managers who are expert in the area. It may not be necessary, or possible to make many job-related changes. In this area of the 6 job-related questions (questions 7-12), there were 136 ticks, of which 80 (58%) were shared over the top two ratings, as compared with 77% over the top two ratings overall and 100% in the top 2 ratings for the 6 relevance and value questions.

There are a number of possible reasons for this, and two have already been given, another could be a need for "transfer skills" being included in the course. It may also be possible that, as the course will now be run as often as needed, and course members should be able to attend as soon as they want, these ratings *may* change. It is possible that, by attending the course earlier, rather than later, job behaviour may change more rapidly. On the other hand, people

who are attending the course with less experience of working with Subordinate legislation may ascribe any changes in their job behaviour to course attendance, whereas they may have been occurring anyway. More work could be done in assessing this area, but in that case consideration would need to be given to the transfer of skills learned on the course to the work area and how it could be measured and teased out from changes that would have occurred anyway. This is the kind of area that the Primary legislation profile was intended to cover.

The free comment area was not used by as many respondents as on the reactionnaire, however, 41 comments were made, 21 (51%) of them positive, 2 (5%) negative and 18 (44%) neutral. The "neutral" comments mainly covered the work related areas of the respondents, where they explained the context for their course attendance or particular ratings. This may point to a need to include a measure of what Easterby-Smith calls the "context" in his "CAIPO" model for evaluation (op cit). This particular exercise has been designed to cover course content only and assess whether open learning has had any part to play in course design, there may however be a need at a future date, to consider the context for this course.

The final comments were made by the managers of the course participants. Of the 23 managers, 22 considered that the course had been of good or some benefit to the branch and they would send other staff, or some other staff on it. In the free comment area, 13 comments were made of which 10 (77%) were positive, 1 (7%) negative and 2 (15%) neutral. Those managers who commented generally mentioned that the course was necessary for work in their branch, again, this could be considered context related.

Tutors' Assessments

The 8 tutors were also issued with a follow-up form to assess their reactions to their own experiences. A copy of the blank questionnaire and the results from these questionnaires are in Appendix 8. One informal assessment of the course from their point of view can be made by the fact that one pair of tutors invited people from their own office to sit in on their course, with a view to being involved in the tutoring at a later stage. They wanted more of their people to be able to tutor because they felt that tutoring had improved their own work! Another informal assessment of the support the tutors received came from an unsolicited comment by one tutor that he had only been able to tutor on the Subordinate Legislation course because of attendance at the presentation skills course, which was viewed as essential and extremely helpful.

Overall assessment

The course "reactionnaire" was very positive. This is usually to be expected, with end-of-course euphoria and feelings of "politeness" inhibiting any adverse comment. While course members may not write adverse comments where they are dissatisfied with a course, (though surprisingly few are inhibited about this in the NICS), they will not write glowing comments. These reactionnaires, however, were not "polite" or restrained but contained very positive feedback on the courses and over 75% of the comments made in the free comment area were positive.

The follow-up questionnaires have been less positive. This is expected, probably because post-course euphoria has evaporated and the cold, hard world of "real" legislation has intruded. The follow-up questionnaires are still however, positive, with 100% of the reactions to course content, relevance and value being in the top 2 boxes, (suggesting that positive post-course feelings have remained constant). Job related questions, which are now being asked for the first time, have not received such high ratings: however, 58% of the ratings for these questions were in the top 2 boxes. There may be a case for asking similar, job-related questions on the reactionnaire, to alert course members to the need to consider how learning can be transferred to the work place - it would be interesting to compare the ratings in that case.

Managers have been positive, in general, about their staff's attendance at the course, most seeing it as necessary for the job.

Evaluation

Of Hamblin/Kirkpatrick's evaluation model, the reaction level has been self-assessed by course members and the job behaviour level has been self-assessed by course members and their managers, using questionnaires. At the reaction level, feedback has been glowing. At the job behaviour level (and departmental value level), feedback has been less glowing but still very positive. Various reasons for this have been discussed.

Chapter 13

Thesis Summary

Abstract. This chapter considers what the project set out to do and the results from that, the "successful" and "unsuccessful" areas and the lessons to be learned from both. It also points up areas where more work could profitably be done. Finally, this chapter considers whether the total course provision now available is more "open" than what was available earlier, adapts Lewis's open-closed learning continuum as a means of discussing this and concludes by considering whether "openness" has contributed to "effectiveness".

This project set out to discover whether open learning could be used as a way of improving in-house training provisions for Northern Ireland civil servants in the area of Primary Legislation. At the time the project started there was only one course available, it had been drawn up fairly quickly and the tutors wished to find a way of helping people learn about Primary Legislation while at the same time reducing their own involvement.

Various means were used for ascertaining the training needs, both a Training Needs Analysis and a profile, but neither proved successful. It was conjectured that the "scientific" method of ascertaining training needs was not as useful where the skills and knowledge needed were of a high order and the participants had very little knowledge of their own needs, beyond that they were very large. Another area of legislation work - Subordinate legislation then needed upgrading and it was decided to apply the lessons learned from the work on the Primary Legislation area to this area of work.

An analysis of open learning had led to the conclusion that there were three supports to open learning; learner choice, learner support and informed learner input. Learner choice could not be offered, as previous experience with primary legislation had shown that learners preferred to retain the course: and informed learner input could not be used as it had already been conjectured that learners in this area were unable to articulate their needs. It was therefore decided to use learner support as a means of helping people meet their training needs. The learner support was provided through "humanistic" means, rather than "scientific" means. The results obtained from the methods used show that the new Subordinate legislation course was well received, and felt to meet learner needs very well.

An aspect of openness which has appeared as an unexpected outcome to this research is, that by using learner support, the openness is seen to be in the *process* of learning, not just in the *content*. In this programme, the tutors are being supported, so that they in turn can support the learners.

What is now left to do is:-

- a. determine whether the original problems, given in Chapters 1 and 3 have been solved,
- b. whether the Subordinate Legislation course provided can be said to be more open than its predecessor, and whether it is more effective than its predecessor

Although cost-effectiveness was originally part of the study, it was not considered fully during the study, however some points will be offered for consideration.

1. The Original Problem

In chapter 3 a change of course presentation was said to have been requested which would:-

- a. reduce considerably the involvement in tutoring by the senior civil servants currently tutoring the course or any other similarly placed civil servants not directly involved with a particular piece of legislation;
- b. provide training on a just-in-time basis (JITT), ie training as and when needed, not before or after;
- c. be flexible in what training was needed, ie it should take account of needs and experience;
- d. give a greater throughput of numbers;
- e. include some kind of discussion forum/workshop;

Not requested but also required (from a professional training viewpoint) were:-

- f. the training should be cost-effective;
- g. there should be an improvement in the quality of the pre-legislation;
- h. learning should be more self-directed;
- i. learning should occur in the teams preparing a piece of primary legislation;
- j. there should be an improvement in the retention of learning;

if possible, training should be made available to lower grades as a background to their work.

Discussion of points

a. As far as Primary Legislation is concerned, the first of the new courses has not yet been run, although it has been designed and is scheduled to run in January 1995. There will still be a

course, because both tutors and past participants agree that the networking and the chance to meet the key players in legislation should not be cut, however, the involvement of the most senior tutor has been cut considerably - to the bare minimum possible. This has been by agreement among the tutors.

b. The just-in-time training has not been achieved for drafting primary legislation, because the Primary Legislation Course will only be run once a year, however, the "Introduction to Legislation" Course is now up and running and is meeting basic needs, on a just-in-time basis especially for those who wanted only an introduction and did not need to learn drafting skills. In addition, the "Blue Book" has been updated and informal verbal feedback indicates that it is now much more helpful to first time legislators than previously. In addition, as far as subordinate legislation training is concerned, the course will now be run regularly throughout the year (probably every two to three months), and this will provide just-in-time-training for subordinate legislation.

Although a "package" was not wanted by respondents to the primary legislation questionnaire, (because it was seen as being a replacement for, rather than in addition to, the courses) provision of some kind of introductory, distance or open learning package, in addition to any courses, would provide a just-in-time element and make the content (as well as the process) more open.

c,d and e. Flexibility has been provided through more choice. The new "Introduction to Legislation" and "Writing Speeches" courses both allow people to attain knowledge or learn skills related to legislation outside the Primary or Subordinate legislation courses. Other courses have been offered and the latest offering (prompted by a comment from the "free comment" area of the Primary Legislation Needs Analysis questionnaire) is a series of weekly lectures, discussions and exercises, forming part of a 12 week, (2 hours a week) short course from one of the local universities. These will also allow more throughput of numbers if necessary, and discussions and forums have been built in as part of the courses offered.

f - j. Cost effectiveness will be discussed below. As discussed in a previous chapter, the quality of the pre-legislation cannot be judged except on a very long time scale. That the learning should be more self-directed, should occur in teams and that there should be a better retention of learning has not been investigated. These were all to do with the fact that it proved very difficult to run a Training Needs analysis or any experiment on a "scientific" basis. In the end, the training needs were met through "humanistic" methods.

More points to be measured were given in Chapter 1. They were that the project should be designed in such a way as to allow a full assessment of:-

- ♦ the need for legislation training, and, if it were considered necessary,
- ♦ its format and content,
- ♦ its value to the organisation compared with the 2 day course,
- ♦ the effects on the organisation of the use of the training, in what format was chosen,
- ♦ what the learning methods should be and whether those methods contribute to the effectiveness of the package,
- ♦ how "open" the learning is and whether not "openness" contributes to effectiveness,
- ♦ what contribution to theory can be gained from the project.

If designed in accordance with the overview, then the following outcomes could be expected:-

- ♦ a report describing how a Training needs analysis was done for a very specialised subject,

- ♦ an assessment of the cost of evaluating a programme. For many events, the cost of the evaluation itself may be ignored - is this a cost-effective view?
- ♦ a comparison of the costs for a traditional course with those for open learning. Is open learning a cost-effective method of training when quantitative measures are built in from the inception as opposed to being considered, perhaps in a qualitative fashion, after a new programme has been introduced?
- ♦ a contribution to the theory of evaluation, showing how other projects/organisations can benefit from the lessons learned.

I would contend that the first two points, the need, and the format and content have been covered. The next point is covered under cost-effectiveness. The next 4 points, on organisational effect, learning methods, openness and the contribution to theory are all covered either in the course assessments or in this wind up chapter. The expected outcomes did not include a training needs analysis. In fact the project concluded that a training needs analysis could not be done, for the reasons discussed. The next point, the cost of an evaluation has not been covered, except for a very brief mention in the chapter on evaluation, where the balance between the cost of obtaining an outside "objective" evaluation, and the cheaper, possibly less objective, internal evaluation was mentioned. A comparison of the costs of a traditional course with that for an open learning course cannot be done because the new courses are only somewhat more open than the traditional courses. This point was considered important at the outset, when it was hoped that a training needs analysis could be done, which could lead to the production of a package of some kind (possibly text). Now that the point about the difficulty of carrying out a training needs analysis where needs are complex and learner knowledge is very

limited, has been made, it seems that the only ways of producing a package would be, either to help an expert to produce a package or to enable someone with training skills to obtain the necessary practical experience in legislation. To some extent, this is happening as the course organiser's involvement with this project has led to a great deal of background learning in this area and it is possible that a text package, at least on some parts of primary legislation, could be produced in the future.

The final point, is on the possible contribution to theory. Lessons learned from this project have already been applied and those results discussed in this project. There is some contribution to theory and also some contribution to knowledge in the fields of open learning and evaluation for complex subjects in an adult learning context.

2. Whether the legislation courses are more open than their predecessors.

Lewis (1986) provided an open-closed learning continuum, with various staging points, which could be used for determining whether one course is more open or more closed than another. This was originally going to be used for the revised Primary Legislation course (which was originally expected to be made into an open learning (text) package), to determine whether the new course was more open than its predecessor. This is no longer appropriate for this situation as now, there are more courses available than originally. In itself, this makes for more open provision (both by providing more choice and also by making the learning more accessible as various parts of the learning are separated out, with shorter, more intense courses in some difficult areas). Instead, perhaps the way to consider this would be to adapt Lewis' continuum to the situation by comparing current with past provision (rather than one course with another)

and assessing whether each item is more or less open than previously. The "legislation provision" is shown as the left hand column in the table. The other three columns are labelled "former provision more open", "both the same", and "current provision more open". The reason for this is that, where one provision is "more" open, then the other is necessarily "less" open. By marking which of the individual provisions is "more" or "less" open, a vertical line will be produced which, in its tendency to one side or the other or by going straight down the middle, should give a visual record of which provision (the former, or the current) is more open in total, or whether they are both equally open (or closed).

Legislation provision	former provision more open	both the same	current provision more open
Primary legislation			
Course			
timing of courses	-	X	-
content	-	X	-
course members (grades)	-	X	-
course member support	-	-	X
tutor support	-	-	X
Blue Book	-	-	X
place held	X	-	-
teaching/learning style	-	-	X
Subordinate Legislation Course			
timing of courses	-	X	-
content	-	X	-
course members (grade)	-	X	-
course member support	-	-	X
tutor support	-	-	X
Red Book	-	X	-
Place held	-	X	-

Legislation provision		former provision more open	both the same	current provision more open
teaching/learning style		-	-	X
Other course provision		-	-	-
Introduction to Legislation		-	-	X
Writing Speeches		-	-	X
Working with Whitehall		-	-	X
Legislation course at QUB.		-	-	X
Access/accessibility of provision to learners		-	-	X

Table 4. Assessment of openness of former and current legislation provision (after Lewis (1986))

From the table above, it can be seen that both of the legislation courses are more "open" in the current provision than in the former provision,

- ♦ in the areas of support to course members, tutor support and teaching/learning style,
- ♦ and for the primary legislation course, in the area of the "Blue Book" (a guide to producing primary legislation).

The total provision of training is also more open than formerly, as four new courses are now on offer, two ("Introduction to Legislation" and "Legislation course at QUB" provide background information, both for those involved in making legislation and those involved on the fringes) and the other two provide specific training on particular areas of concern, mainly for those working on primary legislation. The current primary legislation provision is less open than the former provision in one area, that of "place held". This course is now residential, which may make attendance at the course a little more difficult for some people. In general, however, the current overall legislation training provision is more open than the former provision.

3. Is the provision more, or less cost-effective?

Effectiveness has been considered in an early chapter of this paper as a measure of whether specified outcomes have been achieved. Evaluation was found to be about judging the value of

those outcomes. Cost effectiveness could perhaps be considered to be a measure of whether the cost of achieving those outcomes was acceptable.

As mentioned earlier, cost-effectiveness was not considered in detail for this thesis, as the original aim - of producing some kind of package - was not achieved, however, there are some points which can be made.

The *former and current* legislative provisions could be costed out on these grounds:

The cost of:-

- ♦ drawing up or preparing the courses,
- ♦ course preparation (administrative details etc)
- ♦ course members' attendance at course,
- ♦ course tutors' attendance at course

The effectiveness could be considered on the grounds of:-

- ♦ Whether the outcomes specified were achieved,
- ♦ how many, to what extent,
- ♦ Course participants own "evaluation" of the course value to them,
- ♦ whether "openness" could be considered to have contributed to course effectiveness.

Under the term "cost", the only differences for running the Primary Legislation course between the "old" course and the "new" one will be the "residential" cost of the new course, which can

be offset against the cost of keeping people away from their desks another day, which would have been necessary otherwise and the development cost of preparing the new course which was considerably more than the cost of preparing the previous course.

For Subordinate Legislation, the differences in cost between the former and current provision will be the cost of an extra day at a training course for all course members and tutors and the development cost of preparing the course, which again was considerable.

For both courses, course preparation (administration) costs are similar to what they were for the original course and can therefore be discounted. The costs for the new courses have therefore, in each case been higher.

The major outcome desired from either course, is whether the course members can prepare legislation better than before they attended the course. For both courses (Primary and Subordinate) Legislation, course assessment sheets from the original courses agree that course members can prepare legislation better after course attendance than before. The course assessment sheets are not directly comparable with those for the new courses but the original sheets have many "suggestions for improvement" contained in them. Suggestions for more time to be made available for exercises; for various "unwanted" parts to be removed; and suggestions for improvements in the tutoring.

Assessment sheets are not available for the Primary legislation course as it has not been run, however, the assessment sheets for the Subordinate legislation course, (on a "humanistic", rather than "scientific" basis) are infinitely better. Comments such as "the best course I have

ever attended", "thank you", "congratulations to the "named" tutors", "I now know people working in the same area as me". etc., just do not appear on the course assessments for the original courses. Those assessments are much more "polite".

The point at contention here then, seems to be whether the outcomes provided are worth the money which has been spent on them. Both courses needed updating badly and would have had to have someone "expert" to do the updating. If a single "expert" had been used, then time would have to have been spent on bringing other tutors up-to-speed on the course, as the number of courses needed (in subordinate legislation) preclude any one pair of tutors from taking all of them. This does not give the same "ownership" of a course (as has been mentioned in the chapter on open learning), nor does preparation by one person, no matter how good, provide a balanced basis for a course. These courses are now available for some time to come, with little change necessary, apart from some fine-tuning, with a number of tutors able and willing to provide the training.

By preparing and developing the courses in this way, the eight tutors have themselves formed a network, which supports and helps each tutor, and from which experience each tutor has gained knowledge. There has been more flexibility in use of tutors, as all are at the same stage, with a common brief and can therefore be interchanged easily, if necessary. Previously, tutors were sought individually, were briefed by the organiser, or former tutors (sit-by-Nellie), were given no or few presentation skills and, because there was little involvement or support from their senior managers, felt unsupported and had little ownership of the course. These points are all confirmed by the tutors' evaluation sheet for the new (subordinate legislation) course, for which there was a one hundred per cent return rate.

I would contend that the difference in cost between updating in the usual way and updating by using "open" tutor support is very small, especially when spread over the number of courses which can now be run, with no further development costs, from the original investment. In addition, the difference in enthusiasm between the comments from the new course assessments and those from the "old" courses are well worth the small extra expenditure. It would seem then, that the use of "open" tutor support is a cost-effective means of proving training.

Has "openness" contributed to effectiveness?

One final point, perhaps, remains to be made. It has been shown that the subordinate legislation course provision is now more open than formerly. It has also been shown, I would contend, that the subordinate legislation course provision has been evaluated by course participants as more effective than previously. It does not, though, necessarily follow that these two areas are related or that one has "caused" the other. That is, it does not necessarily follow that, because the course is both more open and more effective, that openness has "caused" the increase in effectiveness. It is very hard to show cause and effect linkages and it does not necessarily follow that because two events follow one another in a time sequence, that the former has "caused" the latter.

The points that *can* be made are, that the subordinate legislation course was made more open by providing more tutor support, in the form of guidance, training, networking and facilitation, among others. The tutors are very content with the support (from the tutors' evaluation form)

and have been enthusiastic and committed to the training. The course members have been delighted with the course, both the content and the tutoring. While there may not necessarily be a demonstrable cause and effect in these two areas, I believe that there is some relationship.

Summary

The title of this thesis is:

Northern Ireland Legislation Courses: An investigation of the contribution of open learning to the effectiveness of in-house training.

I believe that this thesis has now presented the legislation courses, investigated open learning, applied open learning theory to the updating of the courses and shown that use of open learning theory can contribute to the effectiveness of in-house training.

A Course Revived

Abstract. This appendix contains information on how the primary legislation course was revived after a lapse of four years, the aims and objectives of the requesting department, the course design and the overall course assessment after the course had been run.

Course revival

The 4-day residential Primary Legislation course eventually lapsed for about 4 years. It was revived in a much reduced form in 1988, following pressure from civil servants faced with producing large pieces of Primary Legislation in a short time, with teams largely untrained in Primary Legislation procedures.

A meeting was held with representatives of Department A at which their training needs in Primary Legislation were discussed.

At this meeting, they asked for the course length to be reduced to 2 days and agreed to produce a list of aims and objectives for the course. These are reproduced in Table A. The aim of the course was stated by Department A as:-

By the end of the course, we should all have a grasp of the full procedure for turning new policy into law, from sitting down with a blank sheet of paper and pen, to the coming into operation of the new legislation. And their objectives were given as:-

- ♦ to acquire knowledge of essential features of the legislative process - features to look out for, pitfalls to avoid;
- ♦ to acquire skills specifically in the area of drafting instructions - eg using appropriate terminology and avoiding ambiguities;
- ♦ to gain some appreciation of recommended approaches to management of a major legislation project.

At this stage, the course was needed urgently (within 4 weeks) and so there could not be any major overhaul of the sessions to be used.

The course design preliminary thoughts are given in Table B. The aim of the course was modified to become, "To show participants the various steps necessary to enact an Order in Council and, by practical work sessions, to consider each step in detail", and the objectives became correspondingly more concrete.

Table B also shows that evaluation of the course as a contribution to departmental effectiveness was considered. Time constraints prevented this "evaluation" from being done, although reaction to the course by the trainees was obtained.

Course assessment

The new 2-day Primary Legislation Course was run in June 1988 and trainee comments were requested in a letter issued to Department A, 2 days after the course was run. The aim of the assessment was to see:

- ♦ whether the training needs, defined before the course, had been met;
- ♦ whether or not the course could be improved in any way; and,
- ♦ whether, in the course members' views, the course could profitably be put (either wholly or partially) into a distance learning format.

Course participants were also asked to comment on the course length (2 days) and were given the choice of producing written comments or asking for a brief, informal meeting to be held. All comments were given individually, in writing.

Overall, participants considered that course objectives were met. The course was seen as most useful to those with no experience of Primary Legislation. One of the 2 course members experienced in Primary legislation did not find the course useful but the other saw it as a refresher for those who had worked in, but then been away from legislation.

Improvements suggested were mainly to do with the time allocations for various sessions. Most participants wanted more time allocated to the practical exercises: by dropping the video; by lengthening the course, or by breaking-up the early monologue. One participant would have preferred to work on Department A's legislation.

Only 2 course participants commented on the "distance learning" question and neither was in favour of the course being put into this format. They considered that the benefit of face to face contact with the tutor was too valuable to lose.

Table A:

Aims and Objectives of a Primary Legislation Course.

Prepared by Department A in May 1988.

1. Needs

Of the intended participants, 2 Principals (Grade 7s), are conversant with procedures; the rest have had little or no involvement in Primary legislation at all. By the end of the course, we should all have a grasp of the full procedures for turning new policy into law, from sitting down with a blank sheet of paper and a pen, to the coming into operation of the new legislation.

2. Objectives

- ♦ to acquire knowledge of essential features of the legislative process - features to look out for, pitfalls to avoid;
- ♦ to acquire skills specifically in the area of drafting Instructions - eg using appropriate terminology and avoiding ambiguities;
- ♦ to gain some appreciation of recommended approaches to management of a major legislation project.

3. Specific Issues

These questions emanate from those of us who admit complete ignorance!

Timetable Aspects and Supporting Processes:

- ♦ what are the stages that must be gone through, and the minimum time we can allow for each? (Are there any corners we could get away with cutting? - Minister will ask us this.)
- ♦ will we need to book time in the Parliamentary schedule? How/when? Are there deadlines we should be aware of?
- ♦ what should go into our submission to LPC ¹ - how would it differ from our submission to PCC ² ?
- ♦ what preparation will we need to make for the draft Order's laying?

Drafting Instructions

- ♦ what does the Draftsman expect of Instructions? How detailed? What should we be aware of when writing them? Do we divide them up into what we conceive of as draft Articles, or simply write up what we want the end product to be able to do? How do we tread the fine line of saying what we want done without it ending up in quasi-legal language (ie doing the drafting - badly! ourselves)? In short, what would the Draftsman regard as the key ingredients of a "good" Instruction?

¹ Legislative Policy Committee

² Policy Co-ordinating Committee

- ♦ what would the draftsman regard as a respectable "sizeable chunk" of Instructions to be delivered at any one time? How feasible is it for him to work on one section without knowledge of other elements?
- ♦ how do we ensure that the new legislation "marries" with existing legislation, and that we have no loose ends, eg inconsistent definitions, overlapping responsibilities, contradictory requirements?
- ♦ how substantially do Instructions differ in form or content from Notes on Articles?
- ♦ what is meant by an Order being "hybrid"? What does it entail in terms of differences in procedures, and how can we ensure that ours does not fall into this category?
- ♦ what is meant by "sub-delegation", and how can we avoid this pitfall?
- ♦ what criteria are applied in determining what should appropriately be covered in the primary legislation (Order) and what left to Regulations?

Table B:

Course Design - Preliminary Thoughts

1. General Talk on the legislative process

Is this necessary in a "no-frills" course?

2. Case Study

Any Department A legislation usable in place of deer order? Who will present it? What about audio cassette from CSC³ "Case Study of Policy Making and Implementation"?

3. Pre-course Work

Necessary?

4. Aim of Course

To show participants the various steps necessary to enact an Order in Council and, by practical work sessions, to consider each stage in detail. A significant amount of time is given to syndicate work.

Specific Aim of this course: to help participants transfer learning and thereby translate more easily the consultative document (and amendments) to a legal framework.

5. Statement of Objectives

By the end of the course, participants will be able to :-

- ♦ state the timetable for primary legislation from inception to enactment;
 - ♦ prepare memorandum to PCC and LPC;
 - ♦ prepare Instructions for Draftsman;
 - ♦ prepare explanatory document and Notes on Articles;
 - ♦ prepare draft speech for Minister;
- all to the standards laid down.

6. Statement of teaching points

- ♦ what is the timetable, what are the implications for the civil servant, ways to speed it up, implications of non-adherence?

- ♦ Memo to PCC and LPC. Aims, what is needed, what form, how do they differ?
- ♦ Instructions to Draftsman. What form, how far "down the road", how big a chunk, timing?

7. Training methods

lecture, handouts, pre-course work, syndicate work, video?

8. Validation

Should be built in at each stage. Consider how much and how best to do.

9 Evaluation

The LDO⁴ has a small staff and a very large workload. If their time and expertise is to be used as the main resource for this course, then there must be a significant return for them, mainly in the quality of work sent to them by departments.

Is there a quantitative measure available to show whether the course has had a significant effect? eg, size of "chunks", number of returns to department, standard of Instructions, number of days work required on a piece by LDO staff, delay days by department, increased communication/ understanding by departments (shown by use of jargon, correct terms, correct use of timetable etc). If not, could the course be evaluated qualitatively?

⁴ Legislative Draftsman's Office. Now called OLC - Office of the Legislative Counsel

10. Consider how work on Department A's course can be transferred for use in distance learning package.

Table C:

Trainee Assessment of 2-day course

A. Achievement of Objectives

- ♦ As one with no previous experience of primary legislation I looked to the course to give me a general idea of timetable and procedures in bringing a major piece of legislation to the statute book. In my view, the course achieved this objective.
- ♦ As a complete newcomer to legislative procedure, I found the course extremely useful ... I gained a great deal from this course.
- ♦ The course would have been of value had the opportunity to participate been available when I first joined Legislation Branch.
- ♦ I feel that the course certainly met the training needs defined beforehand.
- ♦ As someone with no experience of primary legislation, I found the course very helpful The training needs defined before the course were all addressed to some extent with the exception of "approaches to management of a major legislation project."
- ♦ In general I found the course to be useful and informative ... it was particularly helpful as a refresher.
- ♦ The sessions on the legislative process for an Order in Council were essential to those without any legislative experience.

- ♦ I found the course helpful, especially the practical work.
- ♦ We were pretty clear before we started about what we wanted from the course - a no frills, immersion course on the preparation of legislation, with emphasis on putting together Instructions for the Draftsman. By and large we would regard this objective as having been met.

B. Suggested Improvements

- ♦ It was obvious that this was a 4-day course squeezed into 2. Perhaps a fresh look needs to be taken at the content with a view to leaving out the more routine aspects.
- ♦ The practical exercises were potentially very useful but there was insufficient time for these - both to allow the course leaders a sufficient amount of script to assess and the participants to prepare something meaningful.
- ♦ There may be advantages in splitting the course into 2 parts - one dealing with "drafting" and the second with procedures.
- ♦ The course was rather rushed and did not really give sufficient time for participants to analyse problems or for the organisers to analyse what the participants produced.
- ♦ The course would have been of more value had there been time to go into more detail and if the draft Order considered had had more relevance to the department.
- ♦ until I actually become involved in [the] process I am unable to comment on whether the course can be improved in any way. My only slight criticism is its length. Two days was not long enough to provide sufficient time for syndicate work which had to be rushed and in many cases left unfinished.

- More time might have been spent on [drafting Instructions, Notes on Articles and Minister's Speeches] and rather less on a lengthy account of the history of the House of Parliament.
- As with all courses of this kind the practical exercises were the most useful and I felt that the course might have contained more of this, perhaps at the expense of the video about the Houses of Parliament, which I thought was rather a waste of time in a 2-day course.
- I would have found it more beneficial to have had at least another full day on practical work and to have been able to practice mainly on [Department A's] legislation.
- In the early stages there was a considerable amount of "monologue" by the tutors. I think some adjustment of format should be possible to break this up and intersperse it with some practical exercises. The video on the Palace of Westminster was an irrelevance and should be dropped. If the video and the less than valuable (to us) closing session were removed, the course could be shortened [to] an intense full day, or at most, day and a half.

C. Comments on the possibility of the course being produced in distance learning format.

- I would not favour [putting the course into a distance learning format] as I consider that face to face contact with tutors where any queries can be answered "on the spot" and also the benefit of hearing contributions from other course participants creates a better learning situation.

- ♦ If by "distance learning" methods is meant written material, then I would say the answer is no. the essence of this course was the direct contact with the draftsman, the practical exercises and related discussion. This would be lost in a distance mode.

The Revived Primary Legislation Course

2nd run

Abstract. This appendix contains information on the second run of the revived course.

Once the new format, two-day course had been run for department A, department B also asked for the course to be run for them, so a pre-course meeting was held in September 1988 with two of the tutors from the first course (Legislative Counsel and an administrator from Central Secretariat) plus an administrator from department B who was conversant with Primary Legislation and who would be the third co-tutor. Two training advisers and department B's Training and Development Officer were also present.

Pre-course Meeting

At the meeting, the co-tutors emphasised that: some kind of distance learning package was needed so that training could be done as and when necessary; departments should establish legislation branches; it was departments' responsibility to pass on legislative knowledge and maintain a pool of trained legislators; and that training needs should be structured.

The same course programme and objectives were used as for the first course. The course programme is shown at Table D. It covers the legislative process and timetable, handling of the various steps and syndicate work.

Post-Course Wind-up

At the end of the course, the training adviser held a structured course wind up with the whole group and the course tutors and then a discussion with the tutors alone. Table E shows the structure of the course wind-up.

Feedback from the group was generally very favourable: some felt that the course should be split or modularised in various ways; some wanted more handouts; and many wanted the video omitted.

Course tutors wanted the course run less often, with more participants, and support at the highest levels for the conservation and propagation of legislative knowledge. Course members took a course assessment form away with them. Eight were completed and returned (see Table F for a summary of the forms).

Course Assessment

From the summary, it can be seen that, of the eight course members who returned their forms, all marked the course at eighty five per cent or higher on:-

- ♦ its value to them;
- ♦ how enjoyable it was;
- ♦ its relevance;
- ♦ the quality of the tuition; and,
- ♦ the clarity of instructions.

One person thought the course was of the right length, five thought it was too short and two thought it was much too short.

Comments from the free expression boxes covered two main areas:

- ♦ the video should be omitted (five respondents); and,
- ♦ the course was too short (seven respondents).

Apart from these, comments again were generally favourable (seven respondents).

Finally, department B's Training and Development Officer wrote a fortnight after the course to say that: all the feedback received to date had been very positive; the training should be offered on an on-going basis by formal training and/or self-learning material; and a pool of experts should be built up to assist with this training.

Table D: Revised Course Programme for Two-Day Intensive Primary Legislation Course

Day 1

Morning

Course Introduction and Objectives, Legislation - process and programme, policy discussion, first steps in Legislation (Memo to PCC and LPC).

Afternoon

Instructions to the Draftsman - talk, Syndicate work on preparation of Instructions, Briefing for next session, Syndicates criticise prepared Instructions and Draft Order, Plenary session.

Day 2

Morning

Syndicates present criticism of previous day's work, Proposal Stage, Syndicates prepare Explanatory Document, Notes on Articles, and Draft Speech.

Afternoon

Syndicates work on prepared Explanatory Document, Notes on Articles and Speech, Plenary session to discuss morning's work and syndicates' criticisms, Parliamentary phase, video on legislative process, Question and Answer session.

Table E: Course Wind-Up for Course members and Tutors

Course members were told that the discussion would be used to assess the value of the course to them. Questions were used to start the discussion and then free comment was invited.

The questions asked were:-

- ◆ which were the 'best' parts? (Course members were left to define 'best' in their own way.)
- ◆ which were less useful?

- ♦ what would you change for the next course?
- ♦ further comments on the course?
- ♦ any thoughts on the physical arrangements, eg course handouts, catering, joining instructions etc.

Feedback was generally very favourable. The comments received were that:

- ♦ the course should be modular with the pre-course work covering the non-expert parts;
- ♦ the course itself should cover questions raised, and "expert" knowledge;
- ♦ the course should be split into separate courses covering separate needs, eg writing legislation v enforcement, or a basic, background course for lower grades;
- ♦ a glossary of terms should be provided covering terms such as "negative resolutions", etc;
- ♦ deliberate errors on course literature should be written down and provided as a further handout;
- ♦ the video should be omitted.

Course tutors' comments were that:

- ♦ the impetus towards better training in Primary legislation should start at the highest levels;
- ♦ the course itself should run only once a year and should be longer and/or residential;
- ♦ more people should attend each course; and,

- departments should be encouraged to anticipate legislative programmes and to get relevant people trained early.

Table F: Summary of Course Assessment sheets from second course

		Numbers marking each Percentage Score					
		0	25	50	75	85	100
Question No.	Term assessed						
1	Valuable					5	3
2	Enjoyable					6	2
3	Relevant					1	7
4	Tuition					6	2
5	Clear					3	5
6	Length		Too Long	Long	Just Right	Short	Too Short
					1	5	2

Q. How do you think the course can be improved? (Free Comment)

I thought it was too much for 2 days. I would have preferred 4 days.

Q. What benefits have you got from the course? (Free comment and all comments made included)

Have a better appreciation of how the existing legislation was put together: Notes on Articles, Explanatory Document, speeches, the way in which proceedings in both Houses are conducted: All skills relating to drafting and primary legislation: Total course content will be of benefit:

Course was of great benefit, sorry it was not twelve months ago, very helpful having practitioners to tutor the course: All: All.

Q. What could be omitted? (Free comment and all comments made included)

Video too general, not really relevant: Video not helpful: Video: Video: No.

Q. Any further comments?

Course a bit short. It would benefit from a third day and more time on:-

- ♦ Instructions to Draftsman;
- ♦ Explanatory Document; and,
- ♦ Notes on Articles exercise.

Allow syndicates more time: Course too short, more time needed generally and especially for "Notes on Articles", "Explanatory Document" and "speeches", etc: More time needed and video should be omitted: More time needed for syndicate work, grade people in syndicates [so they are not] swamped by those who have a lot of knowledge: More time.

Background Information on the

Primary legislation Questionnaire

Abstract: This appendix contains the list of questions for the semi-structured interview which was used to gather information for producing the questionnaire, the list of items originally expected to be part of Primary Legislation training, the lists of points, split into the 7 areas, which came from the interviews, the collated lists which were circulated back to the interviewees for validation and an actual copy of the questionnaire.

Item 1 - semi-structured interview questions

- | | |
|--|--|
| 1 Are you working in the Primary Legislation area at present? | Yes/No |
| 2 Have you worked in Primary legislation previously? | Yes/No |
| 3 For how long (in years and months) have you worked in
Primary Legislation altogether? | Time ___ yrs ___ mth |
| 4 How much of your time is or was spent on Primary
Legislation?
(tick the answer) | less than 25%
between 25 and 50%
over 50%
Full-time |

5 How important a part of your job is it or was it? If you have had more than one spell in Primary legislation, answer for the most recent job.

(tick the answer)

little importance
some importance
very important
crucial

6 What areas of Primary Legislation have you been involved with?

7 At What Grades?

YOUR NEEDS

8 What knowledge and skills did you need in order to carry out your duties effectively?

9 How did you acquire them?

10 Was this an effective way of acquiring them? Please expand on your answer.

11 How else could you have acquired the knowledge and skills?

12 What do you consider to be the MAJOR activities involved in preparing Primary Legislation at your level?

13 How could someone new to your position be best helped to work effectively through these activities?

14 What sort of problems can be encountered in working with Primary Legislation?

15 What sort of problems can be encountered in working with the different branches and departments involved in producing Primary Legislation?

YOUR STAFF'S NEEDS

16 Are your staff currently, or soon to be, involved in Primary legislation? If not, please skip to question 25

- 17 If so, what skills or knowledge do they need in order to carry out their duties effectively?
- 18 How did they/will they, acquire them?
- 19 Is this an effective way of acquiring what is necessary? (Please expand on your answer)
- 20 How else could they be acquired?
- 21 Which would be your preferred method?
- 22 What do you consider to be the MAJOR activities involved in preparing Primary Legislation at your staff's level?
- 23 How could someone new to their position be best helped to work effectively through these activities?
- 24 What problems do your staff encounter when working on Primary Legislation?

YOUR VIEWS ON THE NEED FOR DEVELOPMENT

- 25 What value do you place on developing civil servants in the preparation of Primary Legislation?
- 26 Who else do you consider we should talk to in order to get the most complete knowledge of the development needs in Primary legislation?

Item 2 - Lists of items thought, before the interviews, to be part of Primary legislation training

A. Policy and Legislation

Making or contributing to policy decisions on Primary Legislation, planning their implementation and monitoring the effects. Helping to draft Primary Legislation. Preparing

briefing for Ministers. Co-ordination of views on departmental issues. Understanding the legislative framework/process, the political constraints on action and the relationship between Primary and Subordinate Legislation.

B. Background to Primary Legislation

Knowledge of what Primary Legislation is, differences from GB legislation, Parliament and legislation background, general Parliamentary procedures. Relationship between Parliament and the civil service, overview of the relationship between civil servants and Primary legislation. Can problems be solved other than by creating Primary Legislation? Knowledge of people/branches involved.

C. Timetable

Parliamentary timetable and fitting in to it. Legislative timetable demands, urgent versus normal procedures for getting Primary legislation passed. Setting targets. Using the "Blue Book". Understanding Parliamentary terms, (eg negative resolution).

D. Getting Started

Understanding the motivation behind the production of a particular piece of Primary Legislation, setting the aims, setting the limits, understanding the constraints, understanding the co-ordination process, initiating it. Memos, working with CentSec.

E. Working with Legislative Counsel

Understanding their job, their needs and using them to best effect. Researching legislation already in operation, use of library. Preparing Instructions, checking draft Order, preparing Notes on Articles.

F. Consulting

Understanding the process and why it is necessary, deciding who, when and how long. Taking account of consultation.

G. In the House

Drafting speeches, understanding the timetables, procedures and civil service part. Briefing Minister beforehand and "on the floor" of the House. Dissolution of Parliament.

H. Almost There

Understanding timescales before Order becomes Law, procedures for publicising. Link with Subordinate Legislation.

Item 3 - lists of key points from interviews

Skills	Major Activities	Knowledge
English, Writing, drafting, summarising, translation, accurate, complete. People skills, negotiating skills, relating legal terms to Instructions and what draft law says. Plan timetable, analysis, Logic. Research skills. Facility with Statute Book. Intellectual Skills. Briefing, oral and written. Ability to integrate minutiae with big picture. Able to think "on feet". Good judgement.	Notes on Articles, Speeches, Advice to Minister. Instructions to OLC. Policy oversight. Supporting Minister in Parliament. Evaluate political consequences. Team Leadership. Measuring progress, resolving issues between various divisions involved. Central assessment of legislation. Research. Explanatory Document. Consultation process. Checking returned legislation. Memos to PCC,LPC. Co-ordination of miscellaneous provisions Order. Deciding what is wanted and how it should be done. Checking implications for PES. ECHR.	Policy area, Admin process, NI and GB legislation process. Needs of OLC. Parliamentary/ Constitutional process and procedure. Political dimension. People/branches involved - key players and contact points. GB and EC dimension. Basic legal knowledge. Blue Book. Politically sensitive areas. Political implications and political "Nous". Bigger Picture. Resource implications of blunders. Link between legislation and NICS work. Link between policy and legislation. Outside involvement. Timetable, progress indicators. Law in operation. Ministerial wants and needs. What Ministers can and can't do in Parliamentary sense. Questions to ask to get help. End result of legislation and consequences of getting it wrong. Constraints on process/action etc. Content needed of various documents. Constitutional issues. Who to contact, when and why. The importance of legislation. Limits of other people's involvement, responsibility. Facility with Statute Book.

Attitude	Ways of learning	Other Points	Wants
Careful, Precise, detailed work, accurate. Good working relationships. Political awareness of various sensitivities.	Exposure to the Process, on-job training courses, material available at short notice, video package, reference documents, self learning, muddling through.	Lack of understanding of time required. Long learning curve for people new to legislation. Need to learn as a group.	Idiot's guide to "Blue Book". Glossary of terms. Sympathetic reference book, examples from real life of problems that have occurred.

Attitude	Ways of learning	Other Points	Wants
Enquiring, open mind, check everything, determined, persistent, responsible, thorough, methodical, get-it-right, see from all sides, quality assurance.	Analyse existing law to find starting point. look at precedents, draw own map, look at GB legislation. Read Hansard to gain format for speeches/debates. Internal lectures by experienced people. Talk to OLC and Cent Sec. Observation at Westminster, see before do.	Benefit of course is getting expertise of OLC. Need for exposure early in career. Contributors don't have same sense of urgency. Constitutional interface can cause trouble. Need for management of resources in legislation and future planning.	Framework, check list to ensure everything done. Knowledge available to all civil servants. Training to start early in career. Return of 4 day residential course. Refresher course. Exposure to legalism. Short cuts/tips from experienced people.
Resourceful, commonsense. Co-operative between branches/depts.	Programmed learning, computer based training package. Assembly Library. Coaching, Help Goup, mentor and tutor, crash legal course from Universities.	Work through Instructions before sending to OLC, to assess how they will work in practice, any exemptions etc.	Procedures updated, firmed up. Mentoring, tutoring. Blue Book updated.
Need sense of urgency. Responsibility to Parliamentary areas too. Legislation must be right.	Get example papers. Open learning package. Combination of class work and on-the-job training. Get background material from newspapers, documents, manifestos, etc.	Need for in-house training as well as course. Time pressure leads to mistakes. Must accept that Parliamentary attendance necessary for any Northern Ireland Legislation.	Better consultation/ liaison by and with GB. How to get started. Need general understanding by those not directly involved so they will help not hinder process.
Must be willing to learn. Need to learn disciplines of intellect, thinking, working it out and doing it again. Capacity for hard intellectual work. Need to keep at it. Commitment.	Work through "skeleton" Order. Attend Parliament to see it working. Someone takes you through the Blue Book and explains it. Get training at the "right" time. Forum with OLC. Work on Subordinate legislation first. Forum with CPL, ESL and CentSec.	Need orientation course for SOs on Government, policy etc. Where legislation is only part of a job - other pressures get in the way. People do not stay in legislation long enough. Legislation Branch useful.	Booklet on legislative process. Open University type work books. Better route to follow. Just-in-time training. Guide to what draftsman wants. One hour lecture on finding law in a particular area.

Item 4 - Collated lists, circulated to interviewees for validation

A. Major Activities

A1 Pre-Preparation

Policy oversight, Evaluation of Political consequences, Research, Deciding what is wanted and how it should be done.

A2 Gaining Agreement from SoS

Research, Checking Implications for ECHR, PES, Equal Opportunities, Deregulation, Cost compliance etc., Memos to PCC/LPC, Team Leadership, Consultation/ Negotiation process with other depts/ divisions involved, Instructions to Legislative Counsel, Checking returned legislation, preparing supporting items, Notes on Articles, Explanatory document, Consultation process (with public), measuring progress, preparing: speeches, briefing, booklets and press releases.

A3 Parliamentary Stages

Evaluation of political consequences, Briefing/advising Minister, Supporting Minister in Parliament.

A4 Post Parliamentary Stages

Dealing with questions/points not addressed in the debate, evaluation of how legislation works in practice, Amending Orders, Central Assessment of Legislation, Lead in to Subordinate Legislation.

B. Knowledge needed

B1 Policy Background

Policy area involved, law already in operation, resource implications of blunders, overall civil service implications (the bigger picture), link between policy, legislation and everyday civil service work.

B2 Legislative Background Knowledge

Importance of legislation, end results of legislation, consequences of getting legislation wrong, legislation process in NI and GB, basic legal knowledge.

B3 Political dimension

The NI, GB and EC dimensions, politically sensitive areas.

B4 Legislative Process knowledge

Facility with Statute Book, Admin processes involved, Use of Blue Book, People/Branches involved. - key players and contact points, where to get appropriate help, content to be included in various documents, timetable/progress indicators, legislative Counsel's needs, constraints on the process/ action, outside involvement, Limits of other people's involvement/ responsibility.

B5 Parliamentary Knowledge

Constitutional Issues, Parliamentary processes and procedures, Ministerial Wants and Needs,
What Ministers can and can't do in the Parliamentary sense.

C. Skills Needed

C1 Pre-preparation

Research capabilities for policy and with Statute Book

C2 Process a. Writing Skills

Writing, good standard of English, policy drafting skills, summarising, translating into lay
person's terms.

C2 Process b. Intellectual skills

Accuracy, seeing all angles, analysis of documents, using logic, comparing draft legislation with
Instructions and policy needs, producing a realistic timetable, ability to integrate minutiae with
big picture, good judgement.

C2 Process c. People Skills

Handling People, Negotiations.

C3 Parliament

Briefing Ministers - oral and written, able to "think on feet"

D. Attitude

D1 Accuracy and Determination

Careful, precise, accurate, willing to work with detail and check and double check everything.
Determined, persistent, methodical, thorough, responsible, willing to "get it right", committed,
sense of urgency. Quality assurance.

D2 People

Good working relationships, co-operative.

D3 Political Sensitivity

Politically aware, sense of responsibility for Parliamentary areas too.

D4 Intellectual Attitudes

Willing to see all sides of a question, open, enquiring mind, resourceful, commonsense.
Willing to get involved in hard, intellectual work, willing to learn about legislation, the
disciplines of intellect, thinking, working it out and doing it again.

E. For ranking on importance

E1. Major Activities

Pre-preparation

Gaining agreement from SoS

Preparing draft legislation

Preparing supporting items

Parliamentary Stages

Post Parliamentary stages

E2 Knowledge needed

Legislative background

Policy background

Political dimension

Legislative process

Parliamentary knowledge

E3 Skills Needed

Pre-preparation

Process -writing skills
 -intellectual skills
 -people skills

Parliament

E4 Attitudes

Accuracy and determination

People

Political sensitivity

Intellectual Attitudes

F. Ways of Learning

F1 Involvement

Exposure to the process, on-the-job training, muddling through/thrown in at the deep end, work on subordinate legislation first.

F2 Self Learning - a. informal

Self-learning - teach yourself, analyse existing law to find a starting point, look at precedents, draw "own" map, look at GB legislation, read Hansard to gain formats for debates/speeches, talk to OLC and CentSec, attendance at Westminster - see before do, use Assembly Library, Help Group, consult colleagues, get example papers, get background knowledge from newspapers, discussion documents, manifestos etc.

F2 Self Learning - b. structured self learning

Learning material available at short notice, video package, reference documents, programmed learning, computer based training package, work through a skeleton Order, open learning package, guided tour of Westminster by legislation experts.

F3 Training/Courses

Attendance at Primary Legislation course, internal lectures by experienced people, coaching by experienced staff in branch, mentor/tutor from outside branch, legal background course from universities, forum with Legislative Counsel, forum with ESL, CPL and Parliamentary section,

someone takes you through the "Blue Book", get training at the "right time", combination of classwork and on-the-job training.

G. Wants

G1 Reference items

Glossary of terms, "beginners" guide to the "Blue Book", sympathetic reference book, framework/ check list to ensure everything is done, short cuts/ tips from experienced people, procedures updated and firmed up, booklet on the legislative process, guide to what legislative counsel need, how to get started.

G2 Training

Training in legislation to start early in career, return of the 4 day residential course in Primary Legislation, refresher course, just-in-time training , ie when needed not just when available, one hour lecture on using Statute Law books, mentoring/ tutoring, how to get started, training provided in work teams.

G3 Self Help items

Examples of problems that have occurred in practice, open university type work books, better "route" to follow.

G4 Background knowledge

Knowledge available to ALL civil servants, exposure to legalism, better consultation with and by, GB, knowledge for those not directly involved so they will help, not hinder, the process.

H. Other Points

H1 Time Related

- 1 There is a general lack of understanding about the amount of time needed to produce legislation.
- 2 There is a long learning curve for people new to legislation.
- 3 People who just contribute to legislation don't have the same sense of urgency as the producers of legislation.
- 4 Time pressures on demanding work can lead to mistakes.
- 5 Where legislation is only part of the job, other, more immediate pressures get in the way.
- 6 People do not stay in legislation long enough.

H2 Development related

- 7 The major benefit of the primary legislation course is getting the expertise of the Legislative Counsel.
- 8 There is a need for exposure to legislation early in one's career.
- 9 The constitutional interface can cause trouble.
- 10 There is a need for management of resources and future planning for legislative need
- 11 A legislation branch in a department is very useful.
- 12 There is a need for an orientation course for SOs, covering government, policy etc.
- 13 All civil servants from SO up should receive a background knowledge of legislation

14 All civil servants from SO up should receive some exposure to Primary legislation work during their career.

15 Unless staff are actually working on Primary Legislation, only ATs and those destined for Grade 7 and above posts should receive a background knowledge of policy/legislation.

PRIMARY LEGISLATION

NEEDS ANALYSIS SURVEY

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ANY INFORMATION WHICH YOU GIVE IN THIS QUESTIONNAIRE WILL BE TREATED IN STRICT CONFIDENCE. NONE OF THE INFORMATION WILL BE USED IN SUCH A WAY AS TO ALLOW ANY PERSON TO BE IDENTIFIED, AND NO INFORMATION ABOUT AN INDIVIDUAL WILL BE RELEASED OUTSIDE THE MANAGEMENT DEVELOPMENT CENTRE.

FIRST, WE NEED SOME INFORMATION ABOUT YOU TO ALLOW US TO FIND OUT WHERE YOU FIT INTO THE PATTERN OF STAFF WITHIN THE NORTHERN IRELAND CIVIL SERVICE.

1. AGE (Tick the appropriate box)	30 or under	<input type="checkbox"/>	1
	31 to 45 years	<input type="checkbox"/>	2
	46 years or over	<input type="checkbox"/>	3
2. SEX (Tick the appropriate box)	Male	<input type="checkbox"/>	1
	Female	<input type="checkbox"/>	2
3. GRADE (Tick the appropriate box)	Up to and including SO and analogous	<input type="checkbox"/>	1
	DP, Grade 7 or analogous	<input type="checkbox"/>	2
	Grade 6, Grade 5 or analogous	<input type="checkbox"/>	3
4. How long have you been in your present GRADE (as at 1/2/92) (Tick the appropriate box)	0-12 months	<input type="checkbox"/>	1
	Over 1 and up to 2 years	<input type="checkbox"/>	2
	Over 2 years	<input type="checkbox"/>	3
5. How long have you been in your present POST (as at 1/2/92) (Tick the appropriate box)	0-12 months	<input type="checkbox"/>	1
	Over 1 and up to 2 years	<input type="checkbox"/>	2
	Over 2 years	<input type="checkbox"/>	3
6. Are you working in the Primary Legislation area at present? (Tick the appropriate box)	Yes	<input type="checkbox"/>	1
	No	<input type="checkbox"/>	2
7. If so, for how long have you worked on Primary Legislation?	0-12 months	<input type="checkbox"/>	1
	Over 1 and up to 2 years	<input type="checkbox"/>	2
	Over 2 years	<input type="checkbox"/>	3
8. What proportion of your time is spent on Primary Legislation?	less than 25%	<input type="checkbox"/>	1
	26-50%	<input type="checkbox"/>	2
	Over 50%	<input type="checkbox"/>	3
9. Have you any academic or professional qualifications in Law? (Tick box which relates to highest qualification held)	Law degree or equivalent	<input type="checkbox"/>	1
	Law qualifications below degree level	<input type="checkbox"/>	2
	no qualifications in law	<input type="checkbox"/>	3

Please go to page 11

THE NEXT SECTION OF THIS QUESTIONNAIRE DEALS WITH A RANGE OF 'ACTIVITIES' GROUPED UNDER A NUMBER OF MAIN HEADINGS. SOME OR ALL OF THESE ACTIVITIES ARE LIKELY TO FORM PART OF YOUR DAY TO DAY WORK IN PRIMARY LEGISLATION.

AS YOU WORK THROUGH EACH GROUP ON THE FOLLOWING PAGES PLEASE LOOK CAREFULLY AT EACH 'ACTIVITY', THEN.....

First...

Please decide whether or not the activity is part of your Primary Legislation job. If it is **NOT PART OF YOUR PRIMARY LEGISLATION JOB** please tick the appropriate box in the column marked 'X' and go on to the next activity.

Second...

If it is part of your Primary Legislation job please assess how **IMPORTANT** that activity is within your present job (in terms of its effect on the objectives of the job). Then tick ☒ the appropriate box in the 'IMPORTANCE' column, and

Third...

Please think carefully about how much **DEVELOPMENT** you need in doing that activity. Then tick ☒ the appropriate box in the 'NEEDS DEVELOPMENT' column.

An example is shown

			Importance				Needs Development			
		Not Part of job X	1	2	3	4	1	2	3	4
A	PRE-PREPARATION									
A3	Policy oversight	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A4	Preparing policy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A5	Evaluation of political consequences	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NB When answering about each activity please do not hesitate to say if it does **not** form any part of your job in Primary Legislation. We are not measuring whether any one person appears to have a fuller or lighter job. Similarly, please do not be afraid to say that you find you would need development in a particular activity. For example, **YOU** might find a job less easy to do because it is new to you, or because you do not have the right experience, knowledge or skills to do it, or it might be due to other reasons. Remember that we are not assessing your capabilities but using the information which you provide to build up a picture of typical jobs in Primary Legislation in each grade or type of post.

PLEASE DO NOT MISS OUT ANY OF THE ACTIVITIES, SO THAT WE CAN BE SURE THAT WE HAVE A CORRECT PICTURE OF EACH KIND OF PRIMARY LEGISLATION JOB.

10. PLEASE LOOK AT EACH OF THE 'ACTIVITIES' BELOW IN TURN. IS IT PART OF YOUR JOB IN PRIMARY LEGISLATION?

If so, TICK ONE BOX ONLY in the column for IMPORTANCE within your job and ONE BOX ONLY in the column for the amount of DEVELOPMENT you need in doing that 'activity'.

If it IS NOT part of your job, please tick only the box in this column and carry on to the next item.

IMPORTANCE

1 = Crucial
2 = Very important
3 = Fairly important
4 = Minor

NEEDS DEVELOPMENT

1 = A great deal
2 = Quite a lot
3 = A little
4 = None

A PRE-PREPARATION		Not Part of job X	IMPORTANCE				NEEDS DEVELOPMENT			
			1	2	3	4	1	2	3	4
A1	Acquiring a background knowledge of the field of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A2	Initial consultations with interested organisations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A3	Policy oversight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A4	Preparing policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A5	Evaluation of political consequences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A6	Research	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A7	Deciding WHAT is wanted and how it should be done	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A8	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B GAINING AGREEMENT FROM MINISTERS		Not Part of job X	IMPORTANCE				NEEDS DEVELOPMENT			
			1	2	3	4	1	2	3	4
B1	Research	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B2	Gaining agreement to legislative procedure from CPL, ESL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B3	Checking implications for ECHR, PES, Equal Opportunities, Compliance Cost assessment etc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B4	Writing memos to PCC, LPC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B5	Submission to the Minister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B6	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B7	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE LOOK AT EACH OF THE 'ACTIVITIES' BELOW IN TURN. IS IT PART OF YOUR JOB IN PRIMARY LEGISLATION?

If it IS, please TICK ONE BOX ONLY in the column for IMPORTANCE within your job and ONE BOX ONLY in the column for the amount of DEVELOPMENT you need in doing that 'activity'.

If it IS NOT part of your job, please tick ONLY the box in this column and carry on to the next item

IMPORTANCE

- 1 = Crucial
2 = Very important
3 = Fairly important
4 = Minor

NEEDS DEVELOPMENT

- 1 = A great deal
2 = Quite a lot
3 = A little
4 = None

C PREPARING DRAFT LEGISLATION		Not Part of job X	1	2	3	4	1	2	3	4
C1	Team Leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C2	Consultation with other depts/ divisions involved	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C3	Writing Instructions to Legislative Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C4	Checking returned Legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C5	Maintaining pressure/urgency to have legislative process completed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C6	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C7	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D PREPARING SUPPORTING ITEMS		Not Part of job X	1	2	3	4	1	2	3	4
D1	Writing Notes on Articles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D2	Writing the Explanatory Document	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D3	Managing the Consultation process with the public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D4	Preparing Speeches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D5	Preparing Briefing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D6	Preparing Booklets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D7	Preparing Press Releases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D8	Measuring progress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D9	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D10	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE LOOK AT EACH OF THE 'ACTIVITIES' BELOW IN TURN. IS IT PART OF YOUR JOB IN PRIMARY LEGISLATION?

If it IS, please TICK ONE BOX ONLY in the column for IMPORTANCE within your job and ONE BOX ONLY in the column for the amount of DEVELOPMENT you need in doing that 'activity'.

If it IS NOT part of your job, please tick ONLY the box in this column and go on to the next item

IMPORTANCE

1 = Crucial
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4 = Minor

NEEDS DEVELOPMENT

1 = A great deal
2 = Quite a lot
3 = A little
4 = None

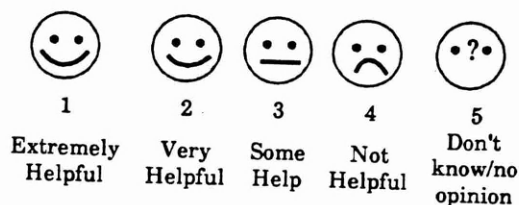
E PARLIAMENTARY STAGES		Not Part of job X	1	2	3	4	1	2	3	4
E1	Evaluation of political consequences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E2	Briefing/Advising the Minister in Parliament	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E3	Supporting the Minister in Parliament	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E4	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E5	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E6	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F POST PARLIAMENTARY STAGES		Not Part of job X	1	2	3	4	1	2	3	4
F1	Dealing with questions/points not addressed in the debate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F2	Evaluation of how legislation works in practice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F3	Central assessment of Legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F4	Lead in to Subordinate Legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F5	Link with Judicial Review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F6	Amending Orders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F7	Preparing guidance on implementing the legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F8	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F9	Other (Please describe) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G OTHER (please describe)		Not Part of job X	1	2	3	4	1	2	3	4
G1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WAYS OF LEARNING

11. Everyone has their own preferred ways of learning. A number of ways of learning and of finding out how to do the activities involved in Primary Legislation are listed below. For each of the learning methods listed below please TICK the appropriate box to show whether YOU find that way of learning to be, EXTREMELY HELPFUL, VERY HELPFUL, SOME HELP, NOT HELPFUL or whether you DON'T KNOW. We are interested in only how helpful/unhelpful YOU personally find the method to be in acquiring the knowledge or skills which are needed for Primary Legislation.



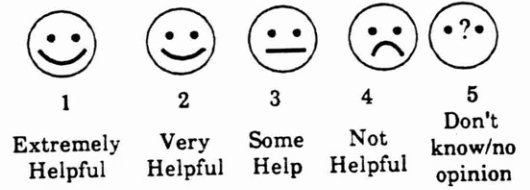
Involvement

	1	2	3	4	5
a Exposure to the process as a team member or observer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b On-the-job training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c Muddling through/thrown in at the deep end	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d Work on Subordinate legislation first	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Self learning – a. Informal

	1	2	3	4	5
a Self learning – teach yourself	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b Talk to Legislative Counsel and Central Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c Attendance at Westminster – see before do	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d Use Assembly Library	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e Being part of a help group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f Consult colleagues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g Get example papers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WAYS OF LEARNING continued



b. structured self learning

a	Structured learning material available at short notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b	Video package	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c	Reference documents for each aspect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d	Computer based training package	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e	Work through a skeleton Order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f	Guided tour of Westminster by legislation experts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Training/courses






Training/courses	1	2	3	4	5
a Attendance at Primary Legislation course	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b Internal lectures by experienced people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c Coaching by experienced staff in branch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d Mentor/tutor from outside branch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e Legal background course from Universities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f Forum with Legislative Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g Forum with ESL, CPL, Parliamentary Section and Central Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h Someone takes you through the "Blue Book"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i Get training at the "right" time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j Combination of classwork and on the job training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (please specify)






	1	2	3	4	5
a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WANTS

12. A number of items which are not currently available are listed below. Some of these may be helpful to you in your role in Primary Legislation. For each of the items listed below please TICK the appropriate box to show whether you would find that item EXTREMELY HELPFUL, VERY HELPFUL, SOME HELP, NOT HELPFUL or DON'T KNOW. We are interested only in how helpful/unhelpful YOU personally would find the item in your role in Primary Legislation.

					
	1	2	3	4	5
	Extremely Helpful	Very Helpful	Some Help	Not Helpful	Don't know/no opinion
Reference Items					
a Glossary of terms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b "Beginners" Guide to the Blue Book	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c Sympathetic reference book	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d Framework/check list to ensure that everything is done	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e Short-cuts/tips from experienced people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f Procedures updated and firmed up	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g Booklet on the legislative process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h Guide to what Legislative Counsel need	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i How to get started	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j An updated version of the Blue Book	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Training	1	2	3	4	5
a Return of the 4 day residential course in Primary Legislation and Subordinate Legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b Refresher course	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c Just-in-time training, ie when needed not just when available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d One-hour lecture on using the Statute Law books	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e Training provided in work teams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f Brief overview of the legislation process for senior staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WANTS continued

	 1 Extremely Helpful	 2 Very Helpful	 3 Some Help	 4 Not Helpful	 5 Don't know/no opinion
Self help items					
a Examples of problems that have occurred in practice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b Open University type work books	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c Examples of "routes" to follow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	1	2	3	4	5
Background knowledge					
a Background knowledge should be available to ALL civil servants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b Exposure to legalisms/legal jargon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c Better consultation with and by GB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d Knowledge for those not directly involved so they will help, not hinder the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e Brief overview of the NI legal system, Courts, powers, effect on legislation etc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	1	2	3	4	5
a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. FINALLY, PLEASE THINK BACK OVER YOUR PRIMARY LEGISLATION JOB AS A WHOLE

The Primary Legislation activities were grouped under six main headings, shown below. Would you now please prioritise these headings from 1-6 (or from 1-7 if you have used Section G), on the basis of HOW IMPORTANT this area will be to your job over the NEXT 12 MONTHS. (Put 1 in the box beside the most important, 2 against the next most important and 3 against the third in importance and so on.)

'ACTIVITIES'

- A Pre-preparation
- B Gaining Agreement From Ministers
- C Preparing Draft Legislation
- D Preparing Supporting Items
- E Parliamentary Stages
- F Post Parliamentary Stages
- G Other (please specify)

YOUR JOB (Import- ance) (Rank 1, 2, 3 etc)	
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

14. If you manage staff, please think in the same way about the people for whose work you are directly responsible. Please prioritise these headings from 1-6 (or 1-7 if you have used Section G), on the basis of HOW IMPORTANT this area will be to their jobs over the NEXT 12 MONTHS. Then in the space below say in a few key phrases whether they require development in these areas.

If you do not manage staff who work on Primary Legislation, please tick this box ☐ and go to question 15.

'ACTIVITIES'

- A Pre-preparation
- B Gaining Agreement From Ministers
- C Preparing Draft Legislation
- D Preparing Supporting Items
- E Parliamentary Stages
- F Post Parliamentary Stages
- G Other (please specify)

YOUR STAFF'S JOB	
(Import- tance) (Rank 1, 2, 3 etc)	Areas needing development
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

15. Value

What value do you place on learning?
(Tick one box)

High Value

Fairly high value

Some value

Low value

☐ 1

☐ 2

☐ 3

☐ 4

Finally, what value do you believe the organisation places on learning?
(Tick one box)

High Value

Fairly High value

Some value

Low value

☐ 1

☐ 2

☐ 3

☐ 4

If you would like to make any comments about Primary Legislation, or the development you feel is needed for people working in this area, please use the space below.

NOW PLEASE RETURN THE QUESTIONNAIRE IN THE ENVELOPE PROVIDED
(THE RETURN ADDRESS IS OVERLEAF)

THANK YOU VERY MUCH FOR HELPING US IN THIS SURVEY

**MANAGEMENT DEVELOPMENT CENTRE
ROOM 148
ROSE PARK HOUSE
UPPER NEWTOWNARDS ROAD
BELFAST BT43NR**

Abstract. This appendix contains an amalgamation of "free" comments made by respondents to the questionnaire.

PRIMARY LEGISLATION	page 1
A. Knowledge	page 1
B. Involvement of Others	page 1
C. Kinds of Involvement	page 1
D. Course Benefits	page 2
E. Blue Book **	page 2
F. Kinds of Training	page 2
G. Departmental Legislation Arrangements	page 4
H. Wants/Needs	page 5
I. Personnel	page 5
J. Other Comments	page 6

1
[REDACTED]

PRIMARY LEGISLATION

(An amalgamation of comments from Page 11 of questionnaire)

A. Knowledge

I feel it is essential for those engaged in the preparation of Primary Legislation to have a thorough understanding of the background of the subject to be covered in the legislation and to have some comprehension of the differences between the arrangements for execution of the law in Great Britain and Northern Ireland.

Primary legislation is all about doing "things" in the right order in the right way. You must get approval (from Minister) to proceed.

You must dot your i's and cross your t's.

On entering a Primary Legislation post, appropriate background and required skills training should preferably be available from the outset. In the final analysis however there is no substitute for learning as you do the job ie experience is an essential commodity in performing the task well.

B. Involvement of Others

I would also wish to see more involvement by the Departmental Solicitors in the preparation of instructions for the Legislative Counsel.

[More] importantly I feel that those working in legislation should report to and work through legal staff. Too often the legislation officer is left to grapple with questions as to the justice and propriety of introducing a specific measure and while OLC (and Criminal Justice Branch etc) will advise, such questions would best be considered, in the first instance, by legal staff if available in a branch. In my view each department should establish a Legislation Branch handling all legislation for that Department and working to and with legal staff.

C. Kinds of Involvement

My involvement with Primary Legislation was limited to one Order which DFP¹ "co-ordinated" on behalf of DED² and DANI³. (The Order amended legislation principally used by DED and DANI.)

I have worked on Primary and Corporate Legislation in previous posts.

D. Course Benefits

I appreciated the Primary Legislation Course as I had no previous legislation experience nor any colleagues to draw on as I was in a team of one. The main benefits of the course were:-

¹ Department of Finance and Personnel
² Department of Economic Development
³ Department of Agriculture for Northern Ireland

1. course documentation (particularly worked examples)
2. meeting sources of advice, particularly Central Secretariat.

E. Blue Book **

****** *(NB all the comments about the Blue Book refer to the original edition. Since this questionnaire was completed, the "Blue Book" has been completely rewritten)*

The Legislative Guide was also of great assistance although caution is obviously needed in its use as it is sadly out of date.

The Legislative Guide (Blue Book) needs to be up-dated and maintained up-to-date.

The Blue Book should be updated.

I think that the very last thing one wants to do is to hand a trainee the "Blue Book" in its present form. It is a confusing (and probably confused) book. There are parts of it I have **never** read simply because I use it as a book to be referred to as required. I could never regard it as a training manual.

An up to date blue book is vital.

An updated 'Blue Book' would be a major step forward.

F. Kinds of Training

I noted on page 8 that you are seeking comment on a Training Overview for senior staff.. I would have benefited if my senior staff at that time had previous relevant experience of legislation or alternatively could have attended a good legislation overview. This would also have benefited the DED and DANI staff with whom I worked

Prior attendance at a Primary Legislation course is, in my view, essential for anyone involved in this area of work.

I consider it essential to re-instate the residential training course and also to provide refresher courses.

While I have not as yet dealt directly with any Primary Legislation I would make the following comment on training:-

This is a complex subject and the training would be best split into 2 sections dealing with:-

1. the basic training necessary in order to provide sufficient background knowledge and working practice;
2. a follow-up course (to discuss problem areas etc) and potential solutions.

I have been in this post for 11 years. This work seems to present a real training problem. I have seen a number of potential colleagues who simply were not able to get to grips with the job. A

most important aspect - and one which must be done early on - is to demystify the job. Most people seem to start with the preconception that legislation will be too difficult to learn and understand. It is not particularly difficult, but it requires commitment and self-confidence to learn. Confidence can be helped if initial demystification takes place.

It is very important to ensure that staff, at SO and above involved (or soon to be so) in preparing the legislation are given **early** training in drafting, setting up project teams etc. POs [*that is, Principals or Grade 7 staff*] should visit Westminster to see the process before they have to do so in live action, so to speak.

I suggest that most people who come fresh into the Primary Legislation field have, like myself, a distinct fear of the unknown. Also, the learning cycle with a large Order-in-Council can spread over several years.

It would have been of benefit to me to have been attached to a legislative team say at the Parliamentary stages of the Order, see this aspect at first hand and witness the activities in the "box".

I have now been involved with legislation, both subordinate and primary, for over 20 years but during the last five years I have been dealing almost exclusively with primary legislation.

My ideal training route would be to approach primary legislation after having acquired some experience of the preparation of subordinate legislation, preferably at EOI to DP level and then

to join a "legislation team" as an "extra hand" at the time when the primary legislation is nearing its Parliamentary stages. I say as an "extra hand" because by the time primary legislation reaches its Parliamentary stages the "legislation team" is under such pressure that it is impossible to divert resources to train a newcomer to the team and it is impossible for a newcomer to such a team to **instantly** acquire all the necessary background and detail of the work to be able to replace an existing member of the team or to provide knowledgeable help to the rest of the team.

The preparation and enactment of primary legislation is a lengthy process and to have experience of the closing stages - "the objective" - from working alongside an experienced team, would be a valuable asset before one starts out the legislative process on one's own.

It has always surprised me that so little training/guidance is available for such an important area of work. Because people have to learn for themselves there is an inconsistency in approach which makes the job that bit more difficult.

I was not impressed by the existing Primary Legislation course and one of its chief drawbacks was that by the time people were nominated to it they had either moved away from legislation or had gained a working knowledge (right or wrong) on the job. Proper structured training is long overdue.

Box 15 - Along with learning (however that may be defined) I would place great value on specialisation and experience and teamwork. I emphasise the last mentioned as it is not always the team leader who comes up with the solution to a problem, junior members may be more

experienced or dealt with the type of problem before. Our teams comprise 1 DP, 1 SO, 1 EOI and 1 EOII [*that is Deputy Principal, Staff Officer, Executive Officer Grade 1 and Executive Officer Grade 2*]. We deal with more legislation (primary or subordinate) than all the departments put together. Hence we know the value of specialisation and experience.

We find training/learning is a long process - about 18 months to make a good sound legislator - knowledge of subject matter is a great help. If somebody has knowledge of subject we can teach them the legislative process, if they have the latter we can teach them the former.

Because of Direct Rule from Westminster and all that implies on the Legislation Front, we are clearly not on a par with GB counterparts on relations with Ministers, proceedings in Parliament and preparation of Policy papers. In the event of there being a Legislative Forum of some sort at Stormont in the near future, the average civil servant in a Policy/Legislative Branch will be ill-equipped to serve his new "Masters". I think it is essential that more is done to prepare the Northern Ireland civil servant for his possible eventual role - even by way of job shadowing with his GB counterparts but certainly some hands on experience of advising Ministers [can they be persuaded to take part in mock briefing sessions] attendance at Committees, in the Box etc.

G. Departmental Legislation Arrangements

I think it would also be helpful if there was a recognised pool of expertise within each department (ie people who had previously worked on legislation). They could then be

seconded (or at least be available in an advisory capacity) to assist staff in branches who had to prepare legislation.

People should be employed full-time on Primary Legislation and not have to fit it in along with other tasks.

Full-time "Specialists" on Legislation would, in my opinion, give better value for money than part-timers.

Full-timers could be trained (on the job and on courses) to a higher standard quicker, and the training would not be "lost" as would be the case with people working on legislation on a part-time basis or infrequently.

In my experience, the whole area of preparing Primary Legislation could and should be made more efficient. Here are some suggestions.

1. Each Department could have a legislative team dedicated to preparing all its legislation - consisting of representatives from the Legislative Counsel, Solicitors, the administrators of the particular Branch, and someone fully trained in the legislative process.

or

2. Each Department could have a central legislation advisory unit whose job would be to know the full process and actively to give advice and guidance. They could be involved in

initial and "on the job" training. I feel this type of internal Departmental training etc which would be a continual, practical process would be most useful.

H. Wants/Needs

A beginner's guide to the Blue Book detailing the various steps with specimen *Notes on Articles, Explanatory Document, Speeches* etc., attached

It would be useful if an organisation chart was drawn up on who can be contacted, for example, in Central Secretariat, NIO (ESL and CPL), should particular types of query crop up during the various stages of the legislative process. This could, of course, become part of the "Blue Book".

(N.B. Some of this, though not all, has since happened and has been included as part of the new "Blue Book")

Also a manual might be made available giving a number of examples of supporting items covering different types of Order, from legislation which has completed the process. Central Secretariat could determine the types of examples which could be used as a guide for future Orders.

I consider that the provision of the reference items listed at section 12, (of the questionnaire) complemented by an appropriate training course (probably about 4 days duration) would meet the development needs of most people and would certainly improve standards.

I. Personnel

The whole task of preparing primary and subordinate legislation should be examined on at least a Departmental basis and more preferably on an NICS wide basis.

It could be made more efficient and effective if re-organised with legal people (Solicitors etc) attached to it and with the use of IT.

1. Resources

In my service, insufficient staff have been devoted to legislation. My staff - now being increased - is preparing 7 primary orders and over 50 pieces of subordinate legislation.

Adequate resources at the right level are essential.

2. Aptitude

While all staff should, at some stage, get at least a little background in what legislation is all about, it is important that Personnel Division try even more - they are already doing so - to identify 'horses for courses' at DP and above.

I consider legislation posts to be specialised and therefore staff who are keen to enter this type of work should be given the opportunity by trawling posts.

The NI Civil Service tends to post staff into posts rather than to specific areas of expertise.

Therefore too often those arriving into a legislation Branch will not only be new to legislation but also to the work of a Division and perhaps to a new grade. This is one reason why I feel

that Policy should be separate from legislation and that those dealing with the subject matter are best placed to decide policy and procedures. (The legislative administrator's role is too divorced from the coal face and this does not allow useful contacts to be developed etc.)

From the administrator's viewpoint, the production of Primary Legislation is a very specialist task and perhaps one of the (if not the most) important areas of work for a civil servant.

Practice in this organisation seems to be to pluck officers out of the normal Branch environment and to task them to introduce the legislation - in my case, in the middle of the legislative timetable and without any experience whatsoever of any legislative procedures or indeed the subject matter involved. I attended the usual Primary/Subordinate legislation courses and then was left to my own devices.

Officers tasked to introduce legislation should be appointed well in advance of the Instruction stage and should see the job through to the end. Internal movement by transfer or promotion should not be allowed to interfere - it would be money well spent to pay someone promoted, to have a job well done.

J. Other Comments

Note: Currently the advent of IT will solve many of the time wasting delays etc using:

- ♦ Electronic Mail
- ♦ Word processing
- ♦ Relevant legal documentation on computer media/ speed of access etc.

Standardisation of approach is vital to ensure compatability between the various systems.

A trainee in this area should never think that he will be expected to know it all; or even 75% of the work. In my experience no single person has the totality of knowledge or experience; it is a group effort with each person lending his own expertise.

A very useful book - as a general background reading - is The Legal System of N. Ireland by Brice Dickson. Especially Chapter 2 on the Branches and Sources of NI Law. Trainees might find it useful.

I have been involved with 2 Orders from the "Notes on Articles" stage onwards - hence my "odd" needs at B,C, and D.

Generally, I have an aversion to questionnaires and I question their reliability; they can only give a passing impression. But I welcome this whole exercise and should be happy to assist further if I can: I have some not inconsiderable experience which could perhaps be tapped in some way (for example, commenting on written materials, member of panel).

Re [Q] 13: My involvement with legislation is liable to be fairly minimal over next 12 months, as current job moves into new, non-legislative phase.

I should wish to emphasise that I work in this field of social security where the policy is one of parity with the GB legislation and where the method of legislating for Northern Ireland is mainly by means of Order in Council subject to the negative resolution procedure. Hence we

play a significant part in the preparation of the GB Bill we intend to replicate; the draft GB Bill is sent to us for comment and we monitor and comment upon it at all stages, and, in particular, if it has to take account of the Northern Ireland position. Our contribution is much valued. So far as we are concerned we get the Northern Ireland legislation right by ensuring that the GB legislation is right. This is a way of proceeding that demands its own skills. I mention this as the questionnaire is more appropriate to the Affirmative Resolution procedure.

In question 13, item C would be better described as Preparing Instructions to Counsel, in which case it would in my estimation, rank second in order of importance if preparing original Northern Ireland legislation, or fifth if in strict parity with a GB Bill.

Comments included from
questionnaires

No longer	(69 23	(10 42 74 37) currently
involved in	(65 18	(12 49 31 70) involved
Primary	(56	(14 54 61) with
Legislation	(47	(17 59 33) Primary
	(25	(19 60 66) Legislation

PRIMARY LEGISLATION

PROFILE OF ACHIEVEMENT

What is the Profile?

The profile is a list of activities covering most of the work needed at DP, P and AS level to prepare Primary Legislation as an Order in Council (the main way of legislating in Northern Ireland).

How exactly do I complete the Profile?

1. First, decide (perhaps in conjunction with your manager) which of the major activities listed on pages 2 and 3 is part of your job. Tick the box in the column next to the activities chosen.
2. Next, for each of the activities you have ticked, decide which level of performance you have already achieved. If you are new to Primary Legislation, it may well be level 1. Please do not hesitate to award yourself level 1 if this applies to you. The form is confidential to you and is provided to help you to decide what development you as an individual need in order to carry out your job in Primary Legislation. Once you have decided your level of achievement, shade in the appropriate box and date it.
3. Now decide what level of performance you need to achieve. This does not necessarily mean level 4! Tick the box you want to achieve.
4. Turn to the back page for a list of available items and courses which could help you develop to the level you need in order to do your job in Primary Legislation. Decide which one(s) are most appropriate and how best to obtain them, (eg apply for the course, borrow the book etc).
5. When you have completed an item, tick and date it.

What Next?

At regular intervals, say every 3 months, review your performance levels. If you have improved your performance in any of your activities shade in the appropriate box and date it. The profile will then give you a picture of your progress towards your chosen target(s).

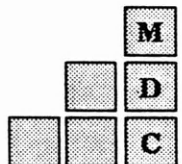
Also, decide if you need to add (or delete) any major activities and set performance levels for those.

Immediately after you have reviewed your profile, please copy it to Gwyneth Redpath, Room 98, Craigantlet Buildings, Upper Newtownards Road, Belfast BT4 3SX.

What will it be used for?

We are trying to evaluate whether, and how much, training improves the performance of the organisation. Information from profiles will be collated to give us part of the overall picture.

Individual profiles will not be published – they are confidential to you.



Activities involved in most Primary Legislation Jobs

**Activities
necessary
to MY
job in
Primary
Legislation**

0	0	9	8
---	---	---	---

Level Achieved			
1	2	3	4

PRE-PREPARATION

1	Acquiring a background knowledge of the field of work	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Initial consultations with interested organisations	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Policy oversight	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Preparing policy	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Evaluation of political consequences	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Research	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Deciding WHAT is wanted and how it should be done	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

GAINING AGREEMENT FROM MINISTERS

8	Research	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Gaining agreement to legislative procedure from CPL, ESL	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Checking implications for ECHR, PES, Equal Opportunities, Compliance Cost assessment etc.	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Writing memos to PCC, LPC	11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Submission to the Minister	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PREPARING DRAFT LEGISLATION

13	Team Leadership	13	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Consultation with other depts/divisions involved	14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Writing Instructions to Legislative Counsel	15	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Checking returned Legislation	16	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Maintaining pressure/urgency to have legislative process completed	17	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LEVELS

Level 1 – beginner – little or no knowledge of this activity

Level 2 – learner – can do this with some assistance from others

			Activities necessary to MY job in Primary Legislation	Level Achieved				
				1	2	3	4	
PREPARING SUPPORTING ITEMS								
18	Writing Notes on Articles	18						
19	Writing the Explanatory Document	19						
20	Managing the Consultation process with the public	20						
21	Preparing Speeches	21						
22	Preparing Briefing	22						
23	Preparing Booklets	23						
24	Preparing Press Releases	24						
25	Measuring progress	25						
PARLIAMENTARY STAGES								
26	Evaluation of political consequences	26						
27	Briefing/Advising the Minister in Parliament	27						
28	Supporting the Minister in Parliament	28						
POST PARLIAMENTARY STAGES								
29	Dealing with questions/points not addressed in the debate	29						
30	Evaluation of how legislation works in practice	30						
31	Lead in to Subordinate Legislation	31						
32	Amending Orders	32						
33	Preparing guidance on implementing the legislation	33						
OTHER (please describe)								
34		34						
35		35						

Level 3 – competent – can do this with little or no assistance
Level 4 – tutor/leader – able to help others with this activity

ITEMS WHICH CAN HELP WITH YOUR LEARNING NEEDS IN PRIMARY LEGISLATION

Available Now

Books	Tick those completed	Short Booklets produced by MDC	Politics and Government (for interest)
• How Parliament Works	<input type="checkbox"/>	• The UK constitution and the NI dimension <input type="checkbox"/>	• Cabinet - Peter Hennessy <input type="checkbox"/>
• Lessons from N. Ireland	<input type="checkbox"/>	• The Sources of the UK constitution <input type="checkbox"/>	• NI Politics - The Constitution <input type="checkbox"/>
• The Legal System of N. Ireland	<input type="checkbox"/>	• The UK Constitution, the Separation of powers and the Rule of Law <input type="checkbox"/>	• The Crossman Diaries <input type="checkbox"/>
• The Constitution of N. Ireland	<input type="checkbox"/>	• Parliamentary Sovereignty: The European Dimension <input type="checkbox"/>	• Whitehall - Peter Hennessy <input type="checkbox"/>
Short Pamphlets from the House of Commons		• Parliament, its functions and the legislative process <input type="checkbox"/>	Courses (see MDC Course Prospectus)
• Northern Ireland Legislation	<input type="checkbox"/>	• Northern Ireland Affairs and Westminster <input type="checkbox"/>	• Primary Legislation <input type="checkbox"/>
• Private Members Bills Procedure	<input type="checkbox"/>	Videos	• Subordinate Legislative <input type="checkbox"/>
• Statutory Instruments (GB procedure)	<input type="checkbox"/>	• The Legal Edge (covers Administrative Law) <input type="checkbox"/>	• Administrative Law <input type="checkbox"/>
• The Parliamentary Stages of a Government Bill	<input type="checkbox"/>	• The Manager and the Law - discrimination <input type="checkbox"/>	• Policy Formulation <input type="checkbox"/>
			• Policy Implementation <input type="checkbox"/>
			• Policy Evaluation <input type="checkbox"/>

Please give a short description of anything else that would help you in your Primary Legislation job.

This form will help you to assess your needs in the area of Primary Legislation. MDC would like to keep the learning needs of people involved in Primary Legislation under review and so it would be helpful if you could photocopy this whole sheet every 3 months and send the copies (anonymously if you prefer) to:-

Gwyneth Redpath, MDC, Room 98, Craigantlet Buildings,
Upper Newtownards Road, Belfast, BT4 3SX.

WHETHER SENT ANONYMOUSLY OR WITH YOUR NAME AND ADDRESS INCLUDED, ALL INFORMATION PROVIDED WILL BE TREATED IN STRICTEST CONFIDENCE.

Abstract:

This appendix contains the course reactionnaire data collected on the new subordinate legislation courses run subsequent to the updating, which used tutor support as a means of making them more "open". (See chapter four, on "open learning" for more explanation of this.)

This appendix contains a copy of a blank course assessment sheet, or "reactionnaire" and a copy of the summarised data collected from this. It was completed by forty one of the forty two people who attended the first four, new, subordinate legislation courses, and shows a very positive attitude towards the new course.

It was difficult to summarise the course assessments purely in terms of "boxes ticked" as the course assessment asked respondents to list their objectives and gave space for free comment.

Where "free" responses are possible, these have been summarised as follows:

- ♦ For the item "what are your objectives for this course?", the *number* of objectives set by respondents was counted. All objectives set were relevant to the course content and every respondent mentioned at least one objective for their attendance. It was considered that, where respondents set more objectives, they had more interest in the course. For this question, 59% of the respondents set two or more objectives for the course, while 22% set four or more objectives.
- ♦ For the "free" comment at the end, the number of comments made was counted and these were assigned to three possible categories: positive comments; negative comments; and neutral comments.

Management Development Centre

Course assessment

Subordinate Legislation Course

Dates:

Name: _____

Branch: _____

Department: _____

1. What are your objectives for attending this course? (What do you expect to get from your attendance?)

- a. _____
- b. _____
- c. _____
- d. _____

2. Has the course met your expectations? (please tick relevant comment)

Yes, completely

Yes, quite well

Yes, to some extent

No

3. How relevant to your present job were the skills and concepts discussed on the course?

4. When will you get the opportunity to put these into practice?

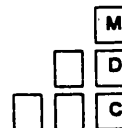
5. What did you feel was the most valuable aspect of the course?

6. What did you feel was the least valuable aspect of the course?

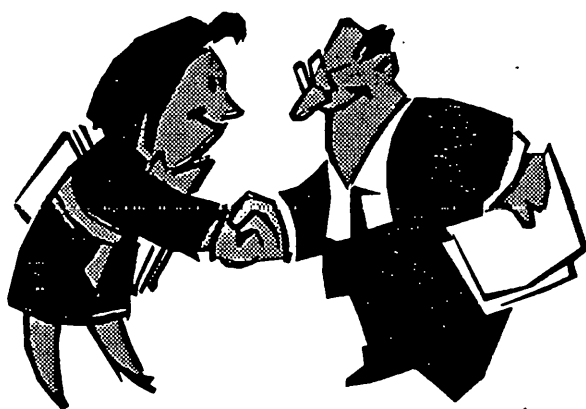


Course assessments

Management Development Centre, Craigantlet Buildings,
Stoney Road, Belfast BT4 3SX Tel No (01232) 520444

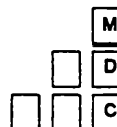


Please comment on how you saw the course as a whole. You may care to include comments on the length of the course, its format, the balance between practice and theory, etc. These are suggestions only. Feel free to comment constructively on any views you may hold on the course, especially anything which you think went particularly well or which you think could be changed.



Course assessments

Management Development Centre, Craigantlet Buildings,
Stoney Road, Belfast BT4 3SX Tel No (01232) 520444



Overall Total of first four, new
Subordinate Legislation courses

Courses 1 - 4		Sep/ Oct 1994		
Number of Objectives Set	1	2	3	4+
	17	7	8	9
Did the Course meet Expectations? (1 no tick)	Yes Completely	Yes, Quite Well	Yes to some extent	No
	25	15		
Course relevance to Work	Very/Extremely/ Essential	Some	None	
	37	4		
When will you put into practice?	Immediately/ every day	soon	knowledge only	
	27	8	6	
Most valuable aspects of course (number)	0	1	2	3+
		30	9	2
Least Valuable aspects of course (number)	0	1	2	3+
	21	19	1	
Comments	Number	Positive	Negative	Neutral
	102	76	17	9

Abstract:

This appendix contains the data gathered from the follow-up questionnaire issued to all course participants some weeks after attendance at the course.

This appendix summarises the follow-up assessments completed, subsequent to their return to work, by participants and their managers. Twenty four questionnaires were returned (57% return rate). This data gives a less glowing picture, however it is still very positive. A blank copy of the questionnaire is included and the summary is given on a separate sheet.

Subordinate Legislation Course

Follow-up Assessment

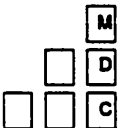


Thank you for attending the Subordinate Legislation Course recently. I hope you found it useful. We recently upgraded this course and you were in one of the first sets of people to attend the new course. In order to help us ensure that the new course meets people's needs, I would be grateful if you could take a few minutes to complete this follow-up form, to let us know your views. All information will be kept in strictest confidence.

Everyone who attended these courses was asked to complete an assessment form on their immediate reaction - this gave us valuable information on how the course was perceived. Even more important than first impressions however, is whether the revised course has helped you with your work in Subordinate Legislation. This is what this sheet intends to assess. Thank you for your time.







Management Development Centre
Craigantlet Buildings
Stoney Road
Belfast BT4 3SX
Tel no. 01232 520444







A First we need a little information about you. Please tick the appropriate column

No.	Question	Less than 3 months	3 to 6 months	6 months to 1 year	over 1 year
1	How long have you been working with Subordinate Legislation?				
2	What length of time did you have to wait between applying for the course and attending it?				
		male	female		
3	Are you male or female?				

B Next we need your views on whether the course met your needs Please tick the most appropriate column below. Please tick only one box for each question

	 <input checked="" type="checkbox"/>	 <input checked="" type="checkbox"/>	 <input checked="" type="checkbox"/>	 <input checked="" type="checkbox"/>
4 Please comment on whether the course covered all the areas that you consider necessary for working on subordinate legislation	covered all or almost all necessary areas	covered many necessary areas	covered only a few necessary areas and/or some unnecessary ones.	covered many unnecessary areas
5 Please comment on the direct relevance of this course to your job in subordinate legislation	highly relevant	some relevance	little relevance	totally irrelevant
6 Please assess whether there has been any change in your background knowledge on legislation	greatly increased background knowledge	some increase in background knowledge	little increase in background knowledge	no increase in background knowledge
7 Please consider whether you have been able to use any information received?	used great deal of information	used lot of information	used some information	used no information
8 Please assess any change in your level of confidence in dealing with subordinate legislation since the course.	big increase in confidence	some increase in confidence	little increase in confidence	decrease in confidence

	 <input checked="" type="checkbox"/>	 <input checked="" type="checkbox"/>	 <input checked="" type="checkbox"/>	 <input checked="" type="checkbox"/>
9 Please assess any change in the level of help you now need in preparing subordinate legislation since attending the course.	much less help needed	less help needed	a little less help needed	same amount of help needed
10 Has there been any change in the way you do your job as a direct consequence of attending the course?	a big change	some change	little change	no change
11 Please assess whether your ability to work with subordinate legislation has changed following attendance at this course.	a lot more able to work with subordinate legislation	more able to work with subordinate legislation	a little more able to work with subordinate legislation	no change
12 Please consider whether you feel more able to assist others with their work on subordinate legislation .	a lot more able to assist	more able to assist	a little more able to assist	no change
13 The course lasted 3 days. Please comment on whether this was a valuable use of your time .	very valuable use of time	some value in this use of time	little value in this use of time	no value or waste of time
14 Overall, please assess the value of this course .	very valuable	some value	little value	no value
15 Would you recommend this course to someone working in subordinate legislation?	would recommend highly	would recommend to some people	would recommend to newcomers only	would not recommend

C Further Comments

Please make any comments you wish here

☒

☒

☒

☒

D Manager's Comments

Please have your manager complete the next part

16 Please comment on the benefit (or otherwise) to you of your member of staff attending this course.

Good benefit to branch		Some benefit to branch		A little benefit to branch		No benefit to branch	
Would send other staff		Would send only some staff		Would send only newcomers		Would not send any further staff	

17 Would you send other people in your branch to this course?

Manager's Further Comments

Please make any further comments you wish on the benefit or otherwise of this course to your branch.

Thank you very much for taking the time to complete this assessment. We want to make our courses as relevant and useful as possible and your views, assessments and comments are a valuable part of this process.

Please return the completed form to Mrs P Bell, MDC, Room 101, Craigantlet Buildings, Stoney Road, Belfast BT4 3SX. Telephone (0232) 520444

Management Development Centre
BDS
Craigantlet Buildings
Stoney Road
Belfast
BT4 3SX
Telephone (01232) 520444



M

D

C

Follow-up Assessment

Summary

	less than 3 months	3 to 6 months	6 months to 1 year	over 1 year
Length time work Sub. legislation	7	5	1	11
length time wait for course	5	10	5	
male/female	16 male	8 female		
	😊	😊	😞	🙄
Views on question				
4	18	5		
5	16	6		
6	12	10		
7	2	10	8	3
8	6	12	5	
9	1	13	8	1
10	1	9	10	3
11	4	12	6	1
12		10	10	1
13	16	5	1	
14	17	4	1	
15	18	1	3	
Total Ticks	111	97	52	9
No. of comments	positive	negative	neutral	
41	21	2	18	

Manager's
Comments



16

16

6

1

17

16

6

1 (NB - course
was a one-off
need)

No. of comments

positive

negative

neutral

13

10

1

2

Abstract:

This appendix shows the data summarised from a questionnaire issued to course tutors subsequent to them tutoring on the courses.

The course tutors were issued with a questionnaire, after the first four courses had run, asking them to comment on how they perceived the course and the support they themselves had received. The summary shows a very positive attitude by the tutors: towards the course; towards their contribution; and to the support they received.

Subordinate Legislation Course

Tutors' Assessment SUMMARY

Thank you very much for agreeing to tutor on the subordinate legislation courses. As explained in the attached letter, I would be very grateful if you could give a little of your time to completing this questionnaire.

- A First, we need a little information about you.
Please tick the appropriate column.

Less than 2 years	between 2 and 5 years	Between 5 and 10 years	Over 10 years
	2	3	3
male	female	(1 no tick)	
6	2		
Yes	No		
1	6		

- 1 How long have you been working with Subordinate Legislation?

- 2 Are you male or female?

- 3 Have you tutored on the Subordinate Legislation Course previously?

Beginning the process





Once the Management Development Centre found we were relying on a few stalwarts to run the course, we wrote out to departments at Grade 3 level. We sought their help in two areas; (a) in finding people who were experienced in subordinate legislation and who could pass on their knowledge to others and, (b) their support in enabling the tutors to develop the course, and themselves as tutors. (This meant basically gaining the Grade 3s agreement to allowing their staff time away from legislation duties.) May we have your views on this? Please tick the appropriate column. (One column only for each question.)

B

- 4 Please consider your views on whether support at Grade 3 level was necessary

- 5 Please give your views on this way of seeking new tutors





- 6 Please give your views on the effect on you of the request going via grade 3s.

	✓		✓		✓		✓
Grade 3 support is essential	2	Grade 3 support is important	6	Grade 3 support is unnecessary		Grade 3 support is unhelpful	
best means of getting new tutors	1	good way of getting new tutors	7	un-necessary way to get new tutors		poor way of getting new tutors	
Made it much easier for me to volunteer as a tutor	1	Helpful in deciding whether to volunteer	3	no effect one way or the other	4	the pressure "forced" me to volunteer	

~~1xxxii~~

B

7 Please consider your reaction to the request.

	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Very pleased to be asked to help tutor	2	Pleased to be able to help.	5	Pleased to help but worried about effect on work	1	Felt tutoring would have had effect on work.	

Sometimes, unexpected things happen, arising from a course. These can be helpful or not. If you have any comments on areas that have arisen unexpectedly, please describe them here.

1 positive comment

1 neutral comment

Revising the course

The names of possible tutors were forwarded to MDC. Some were new to tutoring, others had tutored previously. All those who volunteered were accepted and invited to a series of meetings intended to meet several needs; (a) to create a network of tutors, (b), to spread the load over departments, (c), to develop the course using a wide variety of information and skills and, (d), to spread the work involved in revising the course over a number of people.

May we have your views on this? Please tick the appropriate column (one column only for each question please.)





C

8 The aims, a - d, listed in the paragraph above have been met.





9 All volunteer tutors were accepted

10 All tutors were invited to all meetings and involved in all decisions.

11 Tutors worked in the large group for much of the time and only separated into pairs near the end of the process

	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Strongly Agree	1	Agree	7	Disagree		Strongly Disagree	
Very beneficial both to the course and to the depts.	6	Beneficial to depts but less so to the course	2	Course would benefit with fewer tutors		Course has suffered with too many tutors.	
Greatly benefited course and the tutors	5	Beneficial but a bit too lengthy	3	More separation of tasks needed		Better to work separately right from the start	
This was very beneficial to the course and the tutors	3	This was helpful to the course and the tutors	5	Better with less group work.		Group work was a disadvantage	

C

		✓		✓		✓		✓
12 Tutors have formed a network which provides beneficial mutual support and help	Strongly Agree	2	Agree	6	Disagree		Strongly Disagree	
13 The tutoring load has been fairly distributed among the tutors	Strongly Agree	3	Agree	5	Disagree		Strongly Disagree	
14 The course covers all the major elements needed by people starting work on Subordinate Legislation	Strongly Agree	3	Agree	4	Disagree	1	Strongly Disagree	

Again, there may have been unforeseen areas, either negative or positive, arising from the group work.. If you have any comments on these, please give them here.





1 positive comment

Tutor Support

The Subordinate Legislation course tutors are people with wide experience in subordinate legislation, but not necessarily in course tutoring. It was therefore decided to provide as much help and support to tutors as possible, consistent with resource limitations. This included course design meetings facilitated by an outside consultant, a course on presentation skills and help with preparation of graphics, handouts and OHP slides.





May we have your views on this? Please tick the appropriate column. (One column only for each question please.)

D

		✓		✓		✓		✓
15 The course design workshops were useful	Strongly agree	4	Agree	4	Disagree		Strongly disagree	
16 The entire course structure should have been prepared by one person and passed to others to follow as a pattern	Strongly agree		Agree		Disagree	4	Strongly disagree	4
17 Using an outside facilitator was useful	Strongly agree	1	Agree	7	Disagree		Strongly disagree	

D

18 May we have your views on how useful the Presentation skills course was in helping you tutor on this course

	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Essential	4	Very helpful	2	Helpful	3	No use. OR. did not attend ✓	1
Excellent help	3	Good help	4	Some help	1	No help	
Very beneficial effects on current work		mainly beneficial effects	3	Some benefit but also some delay	4	caused lot of delay to work	1
Very useful and beneficial effect on own work	1	Useful experience some benefit to work	6	Benefit to trainees only		Don't do it!	

19 May we have your views on the amount of help you received with handouts etc

20 May we have your views on the effect that tutoring has had on your usual work

21 What advice would you give to someone like you who was asked to tutor?
I no tick

Again, there may have been unforeseen areas, either negative or positive, arising from the tutor support.. If you have any comments on these, please give them here.

2 positive comments.

Thank you very much for your time in completing this questionnaire.

If you have any other comments you would like to make, please feel free to use the rest of the space on this page.

long list of positive comments made.

All information will kept confidential.

Please return this questionnaire to Mrs P Bell, Room 101 Craigantlet Buildings, Stoney Road, Belfast BT4 3SX, telephone number Belfast (01232) 520444.

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Steps in preparing Primary Legislation

Appendix 9

Many civil servants were first introduced to primary legislation because of a letter or telephone call, often entirely unexpected, telling them that they were being transferred to a legislation branch within the Northern Ireland Civil Service (NICS). Stories and comments from those still involved, speak of people who were terrified by the thought of working on legislation because of the mystique and mystery which seems to surround it. Those who remain in a legislative area feel that legislation was much simpler than it at first appeared but that such a complex area needed a careful explanation to the beginner to avoid confusing (and frightening) them.

Overview of the preparation of Primary Legislation

For a newcomer to a legislative area, a possible overview might cover the following (necessarily very broad and possibly simplistic) steps. There are some differences between departments, even in these very broad areas.

- ♦ First of all, each legislative branch is involved in a specific area of legislation, for example, transport, medicines, farm animals, education, industrial relations, health and safety, trading standards, superannuation, maternity pay, etc. This is the policy area. The first job of anyone posted to a new branch is learn as much as they can about their specific policy area. If they had been posted to a (hypothetical) branch covering domestic animals, they would have to become familiar with policy on domestic animals.
- ♦ Next, if legislation is to be prepared, it is usually in response to a similar measure proposed in GB. Most, though not all, Northern Ireland legislation follows GB legislation. The newcomer must therefore become familiar both with any Northern Ireland legislation already covering the area and with the proposed new GB legislation. For instance, if the proposed (hypothetical) legislation were to state that cats must wear a collar and identification tag, the newcomer would need to be familiar with any NI legislation on cats and the proposed GB legislation.
- ♦ The proposed GB legislation and the proposed Northern Ireland legislation should produce the same effect, but because the overall legislative background is different, there will be differences in the way in which those effects are achieved. It is thus not possible to take GB legislation and translate it directly into a Northern Ireland form. This can be likened to a journey, such as, going to London. If your starting point is Wales, then that journey will be entirely different from one beginning in Cornwall, even though the destination is the same. A newcomer to Northern Ireland legislation will thus need to be aware, for example of the Interpretation Act (NI) 1954, which is used, among other things, to define commonly used words. The word "man", for instance is taken to include both male and female, the singular is taken to include the plural and various times (day, month) are also defined. These definitions are often different from those used in the equivalent GB Interpretation Act and Northern Ireland legislators must be aware of this.

Brief Steps in Preparation

This is a very brief overview of the steps involved in producing primary legislation by affirmative resolution (that is, by a vote in Parliament as to whether or not it should be passed). This is the commonest form of primary legislation for Northern Ireland.

Pre-preparation

- ◆ Determine, or become aware of, the policy in the area for legislation;
- ◆ Become familiar with any Northern Ireland legislation already governing the area;
- ◆ Become familiar with the proposed GB legislation;
- ◆ Decide what needs to be done and why. For example, if the legislation is about ensuring that cats wear collars and identity tags, ensure that you know why this is to be done, all the pressures or government policy driving it;
- ◆ Consider other areas which might impinge, or be affected, such as legislation on dogs;
- ◆ Consider how the matter is to be legislated on, for example, a minor amendment to a similar dogs' order might suffice, or there may already be primary legislation giving the necessary power and possibly only subordinate legislation needs to be made;
- ◆ If primary legislation is necessary, consider consequent details, such as finance, necessary powers, who is to enforce the legislation, the effect on business etc. (There are many of these areas, each of which must be considered for any piece of primary legislation.);

Secretary of State's Approval

- ◆ Gain the relevant Minister's approval and that of the Secretary of State for Northern Ireland, to the making of the legislation;

Instructions to the Office of the Legislative Counsel

- ◆ Write out, in plain English, and in the manner prescribed, what needs to be done, and send these Instructions to the Office of the Legislative Counsel (OLC);
- ◆ Determine whether the draft legislation returned from OLC meets the needs and amend, in consultation with OLC, as necessary;

Consultation Process

- ◆ Prepare for consultation with the public and any relevant pressure groups;
- ◆ Amend the draft legislation if necessary;

Parliamentary process

- ◆ Alert the relevant departments in Whitehall that new Northern Ireland Primary legislation is to be presented to Parliament;
- ◆ Prepare speeches and brief the Ministers who are to present the legislation to the House of Commons and the House of Lords;
- ◆ Attend the presentation in order to support the Ministers and answer questions posed from the floor.
- ◆ Prepare written answers to any questions posed and not answered from the Floor;
- ◆ If the Order is passed, await its signing by the Privy Council;
- ◆ The legislation will now come into force on the day(s) appointed.